

**ORDER SHEET  
HIGH COURT OF SINDH, KARACHI**

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C.P. No.D-1606 of 2019

<b>Date</b>	<b>Order with signature of Judge</b>
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**Present**

**Mr. Justice Muhammad Ali Mazhar.**

**Mr. Justice Amjad Ali Sahito.**

Muhammad Nawaz & others .....Petitioners

Versus

Government of Sindh & others .....Respondents

**Date of hearing 10.02.2021**

Mr. Tasaduq Nadeem advocate for the petitioners.

Syed Shoa un Nabi advocate for the respondent No.5 a/w Ms. Shazia Zafar advocate.

Mr. Zayad Khan Abbasi advocate for Anjuman-e-Gujjaran Karachi Sindh/Intervener a/w Mr. Samil Malik Khan advocate.

Ch. Muhammad Yasin Gujjar advocate for the Interveners (CMA No. 32789/2019) a/w Mr. Muhammad Irfan Chaudhry advocate.

Ch. Muhammad Tariq advocate for the respondent No.3

Petitioner No.1 Muhammad Nawaz is present a/w his associates Muhammad Iqbal Noon and Muhammad Ashraf.

Ch. Muhammad Ashraf, General Secretary of Anjuman-e-Gujjaran Karachi Sindh.

Aleem Choudhry, President, Anjuman-e-Gujjaran Karachi Sindh.

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**Muhammad Ali Mazhar, J:** In the order dated 08.03.2019, we observed that learned counsel for the petitioners did not make party to the Anjuman-e-Gujjaran Karachi Sindh, therefore, on court motion, office was directed to issue notice to the Anjuman-e-Gujjaran Karachi Sindh through its President/General Secretary. On notice the office bearers of the Anjuman-e-Gujjaran Karachi Sindh also appeared and being represented by Mr. Zayad Khan Abbasi advocate. One CMA No.29708/2019 was filed under Order I Rule 10 C.P.C. by Mr. Dilawar Hussain advocate to implead 21 Interveners. One more CMA No. 32789 of 2019 has also been filed

under Order I Rule 10 C.P.C. to implead 21 Interveners that has been filed by Ch. Muhammad Yasin Gujjar advocate. In view of the order passed by this court, the Provincial Registrar Joint Stock Companies has also submitted his report which is taken on record.

2. Learned counsel for the petitioners argued that there was sheer violation of the Memorandum and Articles of Anjuman-e-Gujjaran Karachi Sindh and he wants that certain directions may be issued to hold fresh elections, whereas, learned counsel for the present Managing Committee of the same Anjuman argued that there was no violation of the Memorandum and Articles of the Association and elections were conducted properly, however, he submits that elections will be conducted according to the byelaws and the next elections are due in the month of October, 2021. On the contrary, learned counsel for the petitioners submits that no AGM was conducted and the present Managing Committee has been declared successful unopposed.

3. After arguing at some length by the learned counsel for the petitioners, Interveners as well as learned counsel representing the present Managing Committee of the Anjuman, they have agreed to a modality that elections be conducted in accordance with Articles and Memorandum of the Association in the following terms:-

- i. The elections of the Anjuman-e-Gujjaran Karachi Sindh will be held on 20<sup>th</sup> June, 2021 according to the Memorandum and Articles of the Association.
- ii. The elections shall be conducted under the supervision of Provincial Assistant Registrar Joint Stock Companies Sindh Karachi and the Nazir of this court will also oversee the elections.
- iii. The Provincial Assistant Registrar Joint Stock Companies Sindh Karachi shall depute officer from his office to scrutinize the entire memberships record of the Anjuman-

e-Gujjaran Karachi Sindh and if the renewal of some memberships is required or new membership applications are pending that will be examined by that officer in accordance with the Articles and Memorandum of the Association and two members will be nominated from the present Managing Committee and two members from the Petitioners' side to sit with the officer of the Provincial Registrar to complete the scrutiny process and finalization.

- iv. After completing the scrutiny process, the Provincial Assistant Registrar will announce schedule for holding elections on 20.06.2021.
- v. The Provincial Assistant Registrar shall also fix a date of annual general meeting with prior notice of all members as provided in the Articles and Memorandum and notice of Annual General Meeting shall also be published in the vernacular newspapers.
- vi. The venue of election shall be decided by the Provincial Assistant Registrar Joint Stock Companies with the consultation of members from both sides as already mentioned above.
- vii. The all expenses of the election will be borne from the account of Anjuman-e-Gujjaran Karachi Sindh and present General Secretary shall be responsible to pay the dues.
- viii. The Election Committee shall also be constituted under the supervision of Provincial Assistant Registrar and they will provide their best assistance to the Provincial Assistant Registrar for holding a fair, transparent and smooth elections for the year 2021. The nomination papers and objection, if any, shall be decided before Provincial Registrar.
- ix. The election result shall be announced in presence of Provincial Assistant Registrar and charge will be handed

over to the newly elected Managing Committee on the same date.

- x. A meeting to start election process shall be convened by the Provincial Assistant Registrar in the Nazir's office before announcing election schedule in which two members from each side shall also be present.
- xi. The Nazir's fee of Rs. 25000/- (rupees twenty five thousand) shall be paid by Anjuman-e-Gujjaran Karachi Sindh in advance.
- xii. All parties including the Provincial Assistant Registrar shall ensure that Covid-19 SOP circulated by Government of Sindh shall be followed by all.

Petition is disposed of accordingly in above terms.

JUDGE

JUDGE