

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-5498 of 2022

Date	Order with signature of Judge
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FRESH CASE.

1. For orders on Misc. No.28433/2022.
2. For orders on Office Objection No.01.
3. For orders on Misc. No.23587/2022.
4. For hearing of main case.

02.11.2022.

Mr. Zia Ahmed Awan, Advocate for the Petitioner.

YOUSUF ALI SAYEED, J. - The Petitioner professes to be the widow of a permanent member of the Karachi Gymkhana with it being contended that she had succeeded to her late husband's membership in terms of the relevant Rules of the Club. As such, the Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution seeking to advance her case with the President and the Secretary of the Club being arrayed as the Respondents Nos.2 and 3, and it being prayed as follows:-

- “i. To declare that the petitioner is bonafide member of club/gymkhana namely Karachi Gymkhana by virtue of Rule 6(c) of the Rules of Karachi Gymkhana.*
- ii. To declare that the permanent membership granted by the Karachi Gymkhana to the petitioner being Card No. 0911897 is issued legally to petitioner and Respondent No. 2 and 3 are not empower to supersede the said card by issuing a new card in lieu thereof.*
- iii. To direct the Respondent No.2 and 3 to grant permanent membership to the Petitioner under the provision of Rule 6 (c) of Rules and Bye-Laws of Karachi Gymkhana.*
- iv. To declare that the Respondents Nos.2 and 3 have no authority under the provision of rules of the Karachi Gymkhana to cancel the senior card and to issue new card to other person by misusing their authority in contravention of the Rules and Bye-laws of the Karachi Gymkhana.*

- v. *To restrain the Respondents Nos.2 and 3, their agents, subordinates, employees, workers and any other person working under the command of the Respondents Nos.2 and 3 to stop the petitioner from entering into the Karachi Gymkhana.*
- vi. *To direct the Respondents Nos.2 and 3 to be providing all facilities available in the Karachi Gymkhana to the petitioner which is being provided to other female members of the said Gymkhana/ Club.*
- vii. *Any other relief/s, which this Hon'ble Court deems fit and proper under the circumstances of the matter."*

Having considered the matter, it is apparent that a Petition on the given subject does not fall within the parameters of Article 199 of the Constitution, as the Karachi Gymkhana is a private Club and the Respondents Nos.2 and 3 operate within that private domain. Even otherwise, a perusal of the Petition reflects that the Petitioner had earlier filed a Civil Suit for advancing her cause, which was unconditionally withdrawn on 17.12.2020. Under the given circumstances, we are of the view that the Petition is misconceived and not maintainable.

Hence, while granting the application for urgency, we hereby dismiss the Petition *in limine*, along with the other miscellaneous applications.

JUDGE

CHIEF JUSTICE