

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

C. P. No. D-4882 of 2020

Date	Order with Signature of Judge
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Direction:

For order on MIT-II report dated 31.10.2022.

20.12.2022 :

Petitioner present in person.
Mr. Miran Muhammad Shah, Additional Advocate General Sindh.

Through this petition, the petitioner had prayed that the impugned order dated 26.11.2019 passed by respondent No.1 / appellate authority in Appeal No.6(12) of 2006 be set aside. Vide judgment pronounced on 09.12.2021, the petition was disposed of by setting aside the said impugned order and remanding the matter to respondent No.3 / Registrar Co-operative Societies Sindh for decision afresh. Thereafter, the petitioner filed a contempt application bearing CMA No.7664/2022 which was disposed of vide order dated 18.03.2022 by directing him to approach the Court for Cooperative Societies. The petitioner then filed another contempt application bearing CMA No.17086/2022 which was disposed of vide order dated 29.08.2022 by directing the Registrar Co-operative Societies to decide the appeal within sixty (60) days and to submit compliance report to this Court through MIT-II. The listed report has been submitted by MIT-II stating that no report has been received by him from the Registrar Co-operative Societies.

The petitioner and learned AAG state that the judgment of this Court could not be implemented in view of repeal of the Co-operative Societies Act, 1925, which was substituted by the Sindh Co-operative Societies Act, 2020, vide notification dated 28.09.2020, whereby Special Court for Cooperative Societies has been established and appeals from the orders passed by the said Special Court lie to its appellate authority. They further state that as the aforesaid Act of 2020 was in the field when the judgment was pronounced, the appeal ought to have been remanded to the appellate authority under the Act of 2020 rather than remanding it to the Registrar Cooperative Societies. At their request, the appeal is remanded for decision afresh to the appellate authority under the Act of 2020 viz. the learned District Judge concerned to whom this order be communicated forthwith for compliance. The listed report submitted by MIT-II stands disposed in the above terms.

JUDGE

JUDGE