

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No.346 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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1. For orders on CMA No.4059/2023 (If granted).
2. For orders on CMA No.4060/2023 (U/O-39 R-1&2 CPC).

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Dated 09.03.2023

M/s Abid S. Zuberi and Ayan Mustafa Memon, Advocates for the plaintiff No.1.

Mr. Muneer A. Malik, Advocate for plaintiff No.2.

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1. Urgency granted.

Subject matter is rescheduling of a meeting of SCBA.

2. Mr. Zuberi, arguing for plaintiff No.1 submits that it is plaintiff No.1's case that only the Secretary can schedule and reschedule a meeting of Supreme Court Bar Association on the instruction of President. Originally, a meeting was advised to be held on 24.02.2023 in the first half of the day that is at 11:30 AM, however, since the President of the Supreme Court Bar Association was busy before Supreme Court of Pakistan, who was otherwise required to appear before it, on account of a notice issued to President of SCBA by the Supreme Court of Pakistan in relation to a suo moto case; that scheduled meeting was re-scheduled by the Secretary Supreme Court Bar Association on the advise of the President, to be held at 7:00 PM same day. Mr. Zuberi submits that despite service of such notices upon all members of the Supreme Court Bar Association through electronic mode via WhatsApp messages for a rescheduled meeting, the meeting was held in contravention of such reschedule. It is claimed that to pursue their malafides intent, the meeting was held by some of the members and was presided over perhaps by the Senior Vice President of Supreme Court Bar Association, KPK. Later, when the meeting was convened at a rescheduled time, the resolutions were passed which also include the conduct of the member who held meeting earlier in violation. It is this rescheduled meeting which was challenged by some of the members of the Supreme Court Bar Association who were part of the earlier meeting held at 11:30 AM. Pakistan Bar Council in pursuance of Section 13(2)

of the Legal Practitioners and Bar Councils Act, 1973 suspended minutes of the meeting that held later 7:00 PM same day.

Mr. Munir A Malik, learned counsel for plaintiff No.2 submits that this intervention by Pakistan Bar Council is contrary to the very objects of Section 13 of the Legal Practitioners and Bar Councils Act, 1973. He relied upon Section 13(1)(i) which restricts its powers to the extent of Provincial Bar Councils and Islamabad Bar Council and that too for exercise of general control and supervision. Learned counsel has emphasized that even Section 13(1)(lc) will not enable Pakistan Bar Association to intervene in the internal affairs of the managements as this clause of section 13 would enable them either to prescribe conditions to recognize and derecognize Supreme Court Bar Association but in no way such would enable Pakistan Bar Council to step-in and intervene in a normal routine meetings and disturb working agendas, which were discussed and resolved in the later meeting. To summarize, the dispute between members is not to recognize and derecognize SCBA but the internal affairs which were beyond the ambit of Section 13(1)(lc). Thus, it is claimed that Pakistan Bar Council has transgressed the authority of the Supreme Court Bar Association when minutes of rescheduled meeting were suspended and that of earlier meeting was ordered to be implemented.

Let notice in this regard be issued to the defendants as well as DAG for 17.03.2023. In the meantime, operation of the impugned order dated 27.02.2023 passed by defendant No.1, in appeal under Section 13(2) of the Legal Practitioners and Bar Councils Act, 1973 available at page 365 as annexure P/13 shall remain suspended.

JUDGE

Ayaz Gul