

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

High Court Appeal No. 393 of 2022

Dated	Order with signature of Judge
-------	-------------------------------

Present:
Mr. Justice Muhammad Shafi Siddiqui
Mr. Justice Omar Sial

Hearing Case (Priority)

1. For orders on office objection/reply at A
2. For hearing of Main Case
3. For hearing of CMA No. 3852/2022 (stay)

Dated 24.01.2024

Mr. Aziz-ur-Rehman Akhund, Advocate for the Appellant
Mr. Ali Haider, Associate of Mr. Kashif Hanif, Advocate for the
Respondent No. 2
Barrister Sandeep Malani, Assistant Advocate General Sindh

.....

Muhammad Shafi Siddiqui, J.- The Respondents were apparently served and except Assistant Advocate General Sindh and learned counsel appearing for the Respondent No.2, none is in attendance.

2. Learned counsel appearing for the Appellant submits that they moved an application under Order VII Rule 11 C.P.C. raising several grounds including Section 42 and 56 of the Specific Relief Act, 1877; jurisdiction of the Court; and the Limitation, however, none of the grounds raised in the applications were discussed and while dismissing the applications the reasons were not provided.

3. We have perused the order impugned before us. The relevant part of the order which deals with the dismissal of the application under Order VII Rule 11 C.P.C. is read as under:-

“Dispute is with regard to Plot No. C-18 (Commercial), Sector No.1, Block-C, Deh Okewari, Survey No. 43 and 44, admeasuring 112 Square Yards, which was originally 133 Square Yards. Perusal of record, *particularly*, the Award, supports the contention of Plaintiff’s Advocate,

inter alia, direction to Defendant No.2 for handing over the possession of Plot, which till date is not done, conversely, society opted to raise objection on the present *Lis*, through a frivolous Application. It appears that Defendant No.2 – Society is playing deceptive tactics. Consequently, this application (C.M.A. No. 877 of 2022) is dismissed”.

4. Since the impugned order is devoid of any reasoning or discussion, particularly in terms of Section 73 and 117 of the Sindh Cooperative Societies Act, 2020 and also Rule 53 of the Sindh Cooperative Societies Rules, 2020, we therefore, deem it appropriate to refer back this matter to the learned Single Judge to decide the application afresh by dilating upon the points and grounds raised in the application. The impugned order to the extent of application under Order VII Rule 11 C.P.C. is set aside and appeal along with listed application is accordingly disposed of.

JUDGE

JUDGE

Amjad PS