

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
M.A No.53 of 2024

Order with signature of Judge(s)

Fresh case

1. For orders on CMA No.3649/2024 (Urgent Application)
2. For orders on office objection a/w reply as at 'A'
3. For orders on CMA No.3650/2024 (Exemption Application)
4. For hearing of main case
5. For orders on CMA No.3651/2024 (U/O 41 Rule 5 r/w 151 CPC)

09.04.2024

Mr. Zeeshan Abdullah, Advocate for the appellant

1. Urgency granted.
2. Deferred.
3. Exemption granted subject to all just exceptions.

4&5. It is *inter alia* contended that the Sindh Cooperative Societies Act, 2020 as well as the previous law required to serve a notice to the Registrar of the Cooperative Department and thereafter to wait for 30 days before filing any suit, however, at the case at hand the notice was never issued to the Registrar Cooperative Department and on the next day the suit was filed. Learned counsel placed reliance on 2000 YLR 1385 (Messrs Supper Builders v. Gulshan-e-Faisal Cooperative Society) and 2004 CLC 587 (Dhunjishah B Ghadialy v. Karachi Parsi Cooperative Housing Society Ltd) to show it as a fatal error of law. Counsel draws Court's attention to order passed by this Court in MA No.13 of 2024 on 30.01.2024, where in similar circumstances this Court was pleased to suspend proceedings of the society suit.

Point raised requires consideration. Issue notice to the respondents as well as AAG for **02.05.2024**. In the meanwhile, proceedings of the Society Suit No.1873/2021 to remain suspended.

JUDGE