

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

**SUIT NO.32/2015**

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Date

Order with signature of Judge  
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1. For hearing of CMA No.2506/2015.
2. For order on Nazir report dated 24.02.2015.

**12.03.2015**

M/s. Kazim Raza Abidi and Hassan Abidi, advocate for plaintiffs.  
Mr. Saathi M. Ishaque advocate for defendants No.1 to 7.

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CMA No.2506/215: Through instant application plaintiff seeks direction to the Nazir for handing over the record and keys of the plaintiff Society to the plaintiffs. It is manifest that three suits with regard to almost same subject matter are pending. Suit No.1560/2014 and 2579/2014 are regarding post-election process pending before the Registrar wherein interim orders have been passed whereby Society has been stopped from further proceeding whereas in Suit No.32/2014 plaintiffs have challenged notification dated 07.01.2015 whereby defendant No.2 appointed Syed Muhammad Ali Shah defendant No.7 as Administrator of Rizvia Cooperative Housing Society Limited. Such notification was suspended by order dated 10.01.2015 thereafter plaintiff filed application with regard to property sold by Administrator. Consequently Nazir was appointed for de-sealing the property. Pursuant to that Nazir submitted report which is self-explanatory.

Learned counsel for defendants at the outset contends that instant suit is not maintainable and has further pointed out that by order dated 18.2.2015 Nazir was directed to make inventory of the entire record lying in the cupboard in presence of Administrator and thereafter again keep it in the cupboard in his control until further orders passed by this Court.

Candidly, the plaintiffs are returned candidates of the elections of the Society held on 14.05.2014. Defendants No.2 and 4 intervened and made complaints against the affairs of the Society and violations as allegedly committed by plaintiffs. Through instant application, plaintiffs have shown great urgency and contended that by act of defendant No.2 members of the Society are facing great hardship on various issues, even some issues having nexus with law and order situation. Since Administrator has no relationship to run the affairs of Society, it is the domain of the Society and if any complaint is there, Registrar (defendant) is competent to decide the fate of such complaint after providing opportunity of hearing to the plaintiffs and other necessary parties. Consequently, instant CMA is allowed. However interim orders whereby notification was suspended is recalled. Administrator would be at liberty to look after the affairs if any and if he receives any complaint or finds that any violation, he will submit such report before the Registrar and the Registrar shall pass final order after issuing fresh show cause notice to the plaintiffs. This exercise by the Administrator shall be completed within a month, whereafter Registrar shall decide such controversy within two months in accordance according with law. However if Administrator feels that there is great injustice or illegality committed by plaintiffs, he shall be at liberty to approach this Court for modification in the order. Nazir shall hand over keys to the plaintiffs. In view of above instant application is disposed of.

With regard to maintainability of the suit as raised by learned counsel for defendant I have perused the pleadings and I am of the view that civil Court having ultimate jurisdiction of the rights

of the individuals and can examine any act of any authority within the spirit of any malafide consideration or in excess of jurisdiction.

Interim orders passed earlier to continue till next date.

Imran/PA

**J U D G E**