## IN THE HIGH COURT OF SINDH KARACHI

## Suit No. 1861 of 2019

Plaintiff In person

Defendants No.1 to 4 through Mr. Muhammad Ajmal Awan, Advocate

Mr. Ziauddin Ahmed Junejo, A.A.G.

Date of hearing : 10.10.2024

Date of Order : 10.10.2024

## **ORDER**

Omar Sial, J.: Aurangzaib, the Plaintiff, has filed this case seeking damages for non-compliance of an Award passed in his favor by the Nominee of the Registrar, Co-operative Societies at Karachi on 24.01.2000. The Award had held that Abdul Hamid was a valid allottee of a plot of land within the National Cement Employees Co-operative Housing Society and that the Society should hand over possession of a specific plot of land to him.

- 2. The Society preferred an appeal under section 56 of the Co-operative Societies Act, 1925, against the above-mentioned decision of the Nominee. The Deputy Registrar on 14.06.2000 noted that the appeal was time-barred—however, the Minister of Co-operative Sindh on 20.10.2023 set aside the Deputy Registrar's objection. On 06.02.2008, the Registrar, Co-operative Societies, Sindh, while deciding the appeal, upheld the order dated 24.01.2000 passed by the Nominee of the Registrar.
- 3. Having lost the appeal, the Society preferred a Revision under section 64-A of the Co-operative Societies Act, 1925. The outcome of this Revision is not evident from the record. Subsequently, the parties have litigated further by filing Petitions, but the orders in favor of Abdul Hamid Khan have not been implemented. Hence, this Suit was filed.

- 4. Today, Aurangzaib and the learned counsel for the Society both submit that the case should be transferred to the Special Courts set up pursuant to the Sindh Co-operative Housing Societies Act, 2020. They have both relied on section 117 of the Act to support their contention. Section 117 provides as follows:
  - 117.(1) For the purpose of speedy justice, Government shall with the consultation of the Chief Justice of the Sindh High Court, by notification, specify for each Division, a court of Civil Judge / Assistant Sessions Judge to be a 'Special Court for Cooperative Societies" to try the offences under this Act. (2) On establishment of Special Courts under sub-section (1), the cases falling within the purview of this Act pending in any court shall be transferred to the Special Court for trial. (3) The Special Court established under sub-section (1), on taking cognizance of a case shall proceed with the trial from day-to-day and shall decide the case within one hundred and twenty days.
- 5. On 03.08.2021, six courts in Sindh were notified by the Government of Sindh to act as Special Courts under the Act to "try the offences under the Sindh Co-operative Societies Act, 2020."
- 6. The language used in section 117 of the Act, and the Notification dated 03.08.2021 caused a certain amount of confusion, as the Act and the Notification, both seemed to suggest that only criminal cases would stand transferred to the Special Courts. This confusion was clarified by a subsequent Notification dated 09.08.2021 by explicitly stating that the Courts specified in the earlier notification shall "also try civil disputes as mandated under the said Act and the rules made thereunder."

- 7. The case in hand is broadly that of an alleged double allotment made by the Society, and damages that have flown from it. The case was filed on 08.11.2019 and therefore section 117(2) of the Act would come into play. The case touches upon the business of a Society and should therefore be transferred to the Special Court set up under the Act.
- 8. Given the above, the case stands transferred pursuant to section 117 of the Act to the Court of the learned 5<sup>th</sup> Senior Civil Judge/Assistant Sessions Judge, Karachi West (the court notified as Special Court under the Notification dated 03.08.2021) for adjudication.

**JUDGE**