

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

Suit 1708 of 2023

Date: Order with signature of the Judge

For non-prosecution

01.11.2024

Mr. Zeeshan Asad advocate holds brief for Mr. Nadir Khan Burdi, advocate for the plaintiff
Mr. Aziz-ur-Rehman Akhund, advocate for defendant
Ms. Sara Malkani, Assistant Attorney General

This is a civil suit challenges vires of provisions of Sindh Cooperative Societies Act, 2020 and Sindh Cooperative Societies Rules, 2020. Learned counsel was confronted with respect to the maintainability hereof, however, he merely seeks time. It is noted that the suit is pending since 2023 and ad-interim orders have been obtained having the effect of suspending the law.

The Supreme Court has consistently held that interim orders ought not ordinarily be passed, having the effect of suspending a law. The same had been illumined in earlier judgments reported as PLD 1989 SC 61, 1993 SCMR 2350 and AIR 1985 SC 330; and recently reiterated by the Supreme Court in the order dated 29.02.2024, passed in the case of Commissioner Inland Revenue, Large Taxpayers Office vs. Pakistan Oilfields Ltd. Rawalpindi and others (Civil Petitions No.3472 to 3475 of 2023).

In *mutatis mutanis* application of the binding edicts, referred to supra, CMA 16292 of 2023 is hereby dismissed.

Learned counsel for the plaintiff is put on notice to satisfy this court as to how in exercise of powers per Section 9 CPC, read with enabling provisions of the Specific Relief Act, 1877, orders can be rendered to strike down another statute / provision thereof. Adjourned.

Judge

Amjad