

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP No. D-3738 of 2019

(*Lawyers Coop. Housing Society Ltd Larkana v. Asst. Registrar Coop. Societies & Others*)

DATE:	ORDER WITH SIGNATURE(s) OF JUDGE(s)
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1. For Orders on CMA No.10569 / 2025 (Urgent App)
2. For Orders on CMA No.10570 / 2025 (Exemption App)
3. For Orders on CMA No.10571 / 2025 (Contempt App)

23-5-2025

Mr. Muhammad Ali Soomro, Advocate / Applicant in person

1. **Sana Akram Minhas J:** The contempt application (CMA No.10571/2025) has been filed by the Applicant, who is an Advocate of this Court, alleging non-compliance with paragraph (v) of the Court's order dated 14.10.2021, by which the main Petition was disposed of.
2. Learned Advocate (in his capacity as the Applicant) contends that the failure to act in accordance with the said paragraph amounts to a violation of the Court's order. For ease of reference, the full text of the order is reproduced below:

14-10-2021:

After hearing this case at considerable length, and with the consent of all lawyers present before us today, the instant petition is disposed of in the following manner:-

- i. That the learned District & Sessions Judge Larkana is hereby appointed to supervise the Election of the Lawyers Cooperative Housing Society Ltd., Larkana and obtain all the relevant record pertaining to the Lawyers Cooperative Housing Society Ltd., Larkana either from the Nazir of this Court or from the present Management or previous Management, as required by him.
- ii. That the present Management of the Society would provide complete list of the existing members to the concerned District & Sessions Judge Larkana.
- iii. That the District & Sessions Judge Larkana will get the Election of the Society conducted within a period of two months' time in fair and transparent manner by associating senior officer(s) of the Cooperative Department (Government of Sindh) and Secretary Cooperative Department Sindh will provide complete assistance in this regard.
- iv. The Election shall be held in accordance with the relevant Law, Rules and the Byelaws of the above Society.

- v. That the newly appointed Management would be fully authorized to get the accounts audited and look into the grievance of the members with regard to their plots, if any, strictly in accordance with law.

With these directions the instant petition along with all the listed and pending applications stands disposed of.

3. A plain reading of the aforesaid paragraph (v) indicates that it does not impose a mandatory obligation on the newly appointed Management. Rather, it merely confers upon the Management the authority or discretion to undertake such actions, should it deem fit and necessary under the law. The phrase “*would be fully* authorized” signifies permissive language, denoting an enabling provision rather than an imperative or binding directive.
4. Consequently, the Management’s decision not to exercise this discretion or authority cannot be construed as wilful disobedience or contumacious disregard of the Court’s order, and thus does not amount to contempt of Court within the meaning of the law.
5. Accordingly, after allowing the urgency and exemption applications (CMAs No.10569 and 10570 of 2025), the contempt application (CMA No.10571 of 2025) is hereby **dismissed**.

JUDGE

JUDGE