

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Date

Order with Signature of Judge

PRESENT:

MR. JUSTICE ADNAN-UL-KARIM MEMON, J.
MR. JUSTICE ZULFIQAR ALI SANGI, J.

C.P. No.D-787 of 2026

(Muhammad Naeem & another v Province of Sindh and others)

C.P. No.D-4458 of 2025

(M/s Darul Aman Cooperative Housing Society v Province of Sindh and others)

C.P. No.D-5184 of 2025

(Karachi Cooperative Housing Societies Union Ltd & another v Province of Sindh and others)

C.P. No.D-6266 of 2025

(Bihar Muslim Cooperative Housing Societies Ltd v Province of Sindh and others)

C.P. No.D-6267 of 2025

(Muhammad Naeem & another v Province of Sindh and others)

C.P. No.D-6271 of 2025

(Nasim Cooperative Housing Society Limited v Province of Sindh and others)

C.P. No.D-6273 of 2025

(Ashraf Godil & another v Province of Sindh and others)

C.P. No.D-6274 of 2025

(M.S.G.P (School) Cooperative Housing Society Limited v Province of Sindh and others)

C.P. No.D-6275 of 2025

(Muhammad Younus & another v Province of Sindh and others)

C.P. No.D-6276 of 2025

(Faiyaz Ahmed & another v Province of Sindh and others)

C.P. No.D-6277 of 2025

(Abid Hussain Marvi & another v Province of Sindh and others)

C.P. No.D-129 of 2026

(Muhammad Naeem & another v Province of Sindh and others)

Date of hearing and order:- 26.02.2026

Mr. Abd-e-Arhum, Advocate for Petitioners.

Mr. Muhammad Vawda, Advocate for Petitioners.

Mr. Zia-ul-Haq Makhdoom, Advocate for the Respondents.

Mr. Zohaib Sarki, Advocate for Petitioners.

Mr. Khalil Ahmed, Advocate for Petitioners.

Mr. Ahmed Raza Shah, Advocate

Mr. Arshad Tayebaly, Advocate for the Respondents.

Mr. Muhammad Zeeshan Abdullah, Advocate for the Respondents.

M/s. Nadir Hussain, Taha Abdus Samad, Advocates.

Ms. Nadia Mehak, Advocate

Mr. Talha Javed, Advocate

Mr. Abdul Jalil Zubedi AAG

Ms. Rabia Saqib APG

Mr. Saifullah, Phulpoto, Nazir of this Court.

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ORDER

Zulfiqar Ali Sangi, J. – By this common Order, we intend to dispose of the instant constitutional petitions along with the connected application, as they arise out of the same set of facts and circumstances and involve identical and interrelated questions of law and fact.

2. In the earlier round of litigation, the Petitioners had instituted C.P. No. D-4458 of 2025, which came to be disposed of by this Court vide Order dated 30.09.2025, whereby, inter alia, the Secretary, Cooperative Department, Government of Sindh, was appointed as Receiver with a limited mandate to oversee the financial affairs and day-to-day expenditures of the concerned Society, to supervise and finalize the membership list, and to conduct elections within a stipulated period, subject to the restrictions and directions contained therein. The Order further restrained the existing management and the Registrar from taking any steps that could impede the smooth conduct of elections and directed submission of a compliance report before this Court, besides ordering an inquiry into alleged financial irregularities.

3. The aforesaid Order dated 30.09.2025 was assailed before the Federal Constitutional Court of Pakistan by way of C.P.L.A. No. 4591 of 2025, which was disposed of vide Order dated 10.12.2025. Through the said Order, the earlier directions were modified to the extent that the election of the petitioner Society was directed to be conducted by the Nazir of this Court on 27.12.2025, and the Receiver was confined strictly to his limited mandate of managing day-to-day affairs. Consequent thereto, contempt proceedings were initiated, and the Nazir submitted a detailed compliance report delineating the steps undertaken for conduct of elections pursuant to the modified directions.

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4. In C.P. No. D-787 of 2026, the Petitioners, being a member Society and its duly authorized representative, have called in question the legality and propriety of the elections purportedly conducted on 27.12.2025. It is their case that although nominations were submitted and initially reflected in the preliminary list, the mandatory process of scrutiny, adjudication of objections, authentication, and finalization of the nomination list was never lawfully completed. It is further alleged that the Receiver, whose mandate stood terminated, left the nominations unsigned and unauthenticated, yet the Nazir allegedly proceeded on the basis of such defective material and issued a corrigendum rejecting the nomination of Petitioner No.1 on extraneous and misconceived grounds. The Petitioners assert that quorum requirements were not fulfilled, objections were not adjudicated, and the entire election process was conducted in violation of statutory provisions and binding judicial directions, thereby compelling invocation of constitutional jurisdiction.

5. Similarly, in C.P. No. D-129 of 2026 and the connected petitions, the respective Petitioners being registered Cooperative Housing Societies and/or their authorized office bearers have impugned the election process and the consequential Notification dated 29.12.2025, inter alia, on the grounds that: (i) the scrutiny process was left incomplete and unsigned by the erstwhile Receiver prior to cessation of his mandate; (ii) no validly authenticated final list of nominations was ever issued; (iii) objections were neither entertained nor decided; (iv) nominations were rejected on grounds unrelated to the election process; (v) ineligible or dormant societies were entertained; and (vi) the quorum prescribed under the governing rules was not satisfied. The Petitioners contend that the impugned corrigendum and the subsequent declaration of results are coram non judice, without lawful authority, and in patent violation of binding judicial orders.

6. In C.P. No. D-5184 of 2025, the grievance is directed against the alleged excesses committed by the Receiver appointed under the

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Order dated 30.09.2025, including assumption of physical control of the office premises, interference with banking operations, alteration of signatories, and termination of advisory services, allegedly beyond the limited mandate conferred by this Court. The Petitioners assert that such acts are without jurisdiction, mala fide, and constitute an independent cause of action warranting exercise of constitutional jurisdiction.

7. The remaining connected petitions, being C.P. Nos. D-6266, D-6267, D-6271, D-6273, D-6274, D-6265, D-6276 and D-6277 of 2025, substantially reiterate similar grievances, namely that nominations duly submitted by member societies were unlawfully rejected on extraneous considerations; that the scrutiny and adjudication process was not lawfully completed; that the corrigendum dated 24.12.2025 was issued without a validly finalized nomination list; that objections were neither received nor decided; and that the elections held on 27.12.2025 were conducted in violation of the Orders dated 30.09.2025 and 10.12.2025 passed by the superior Courts.

8. Learned counsel for the Petitioners submits that the entire election process stands vitiated on account of patent non-compliance with the Orders dated 30.09.2025 passed by this Court and 10.12.2025 passed by the Federal Constitutional Court in C.P.L.A. No.4591 of 2025. It is contended that once the Order dated 10.12.2025 categorically substituted Respondent No.2 (Receiver/Secretary Cooperative Department) with the Nazir of the High Court of Sindh for conducting elections, the mandate of Respondent No.2 to proceed further in the election process stood terminated forthwith. Any act undertaken thereafter by Respondent No.2 in relation to scrutiny, finalization, or authentication of nominations was coram non judice and without lawful authority. It is argued that the scrutiny process admittedly remained incomplete and the nomination list was left unsigned in sealed envelopes by Respondent No.2 prior to cessation of his mandate. The subsequent submission of a signed copy on 23.12.2025 cannot cure the inherent

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illegality, as Respondent No.2 had already become functus officio in respect of election proceedings. In the absence of a lawfully scrutinized, adjudicated, and authenticated final nomination list, the Nazir could not have lawfully proceeded to issue the Corrigendum dated 24.12.2025 or to conduct elections on 27.12.2025. Learned counsel contends that the Orders dated 30.09.2025 and 10.12.2025 specifically required adjudication of contentious membership matters and determination of voting rights after receipt of objections. However, objections filed by the Petitioners and other member societies were neither entertained nor decided. The failure to adjudicate objections amounts to a blatant violation of audi alteram partem and renders the election process void ab initio. It is submitted that the nominations of various Petitioners were rejected on extraneous and misconceived grounds, including pendency of unrelated constitutional petitions (e.g., Constitution Petition Nos. 5637/2025, 5638/2025, 5639/2025, 5640/2025, 5772/2025), which admittedly had no nexus with the election process of Karachi Cooperative Housing Societies Union Limited (KCHSUL). Such rejection was arbitrary, mala fide, and contrary to the governing bye-laws and statutory scheme. Counsel further argues that out of 24 member societies, nominations of eight were rejected, leaving only 14 eligible societies. As per the governing rules, a two-thirds quorum (i.e., 16 out of 24) was mandatory for holding a Special General Body Meeting. The holding of the meeting with only 14 societies was in clear violation of statutory requirements, rendering the proceedings of 27.12.2025 void.

9. In C.P. No.D-5184 of 2025, it is argued that Respondent No.2 grossly exceeded his limited mandate of supervising day-to-day financial affairs by forcibly taking possession of the Union's office, altering banking arrangements, disconnecting CCTV surveillance, and interfering in administrative affairs. Such actions were ultra vires the Order dated 30.09.2025 and in direct contravention of the Federal Constitutional Court's direction that he shall act strictly within his mandate. It is emphasized that the contempt application pending before the Federal Constitutional Court itself alleges that elections were conducted in contravention of the Order dated

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10.12.2025, including improper handing over of office and interference by Respondent No.2. This itself demonstrates that the impugned election process is tainted with illegality.

10. The Petitioner's Counsel further contend that the pendency of contempt proceedings does not bar this Court from exercising its constitutional jurisdiction under Article 199 of the Constitution, as the relief sought herein pertains to independent violations of statutory and constitutional rights, including denial of participation in elections and breach of mandatory procedure. On these grounds, the Petitioners pray that the elections dated 27.12.2025 and Notification dated 29.12.2025 be declared illegal, void, and of no legal effect, and appropriate directions be issued for conducting fresh elections strictly in accordance with law.

11. Learned counsel for the Respondents submits that there has been substantial compliance with both Orders dated 30.09.2025 and 10.12.2025. Upon modification by the Federal Constitutional Court, the election process was conducted by the Nazir of this Court on the date fixed, i.e., 27.12.2025, strictly in accordance with judicial directions. It is argued that Respondent No.2 had finalized the nomination list on 08.12.2025 after scrutiny. The fact that the list remained unsigned temporarily due to the pendency of proceedings before the Federal Constitutional Court does not invalidate the scrutiny already completed. The subsequent affidavit and signed verification submitted by Respondent No.2 confirm that the list was duly finalized prior to termination of his mandate. The Nazir rightly relied upon the authenticated list. Counsel submits that the Nazir, acting under express directions of the Federal Constitutional Court, conducted the election process transparently, issued corrigendum, displayed final list, called nominations for President and Vice President, and convened the Special General Body Meeting. The quorum, as per the finalized nomination list, was complete, and the candidates were declared elected unopposed in an open and transparent manner. It is contended that the Petitioners have failed to demonstrate any actual prejudice. Their nominations were rejected on valid and lawful grounds, including ineligibility and

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pendency of proceedings affecting their status. Mere dissatisfaction with the outcome does not render the election void.

12. In response to allegations in C.P. No.D-5184 of 2025, it is argued that Respondent No.2 acted strictly within the scope of authority conferred by the High Court's Order dated 30.09.2025. Temporary administrative measures, including safeguarding records and financial operations, were necessary to ensure smooth conduct of elections and prevent financial irregularities.

13. The Respondents strongly contend that identical issues relating to quorum, conduct of elections, and alleged violation of the Order dated 10.12.2025 are already pending adjudication in contempt proceedings before the Hon'ble Federal Constitutional Court of Pakistan. Entertaining these petitions would result in parallel adjudication and possible conflicting findings, which is impermissible in law. It is submitted that principles of judicial discipline, comity, and propriety require this Court to refrain from adjudicating matters directly arising out of, and intertwined with, orders of the Federal Constitutional Court particularly when alleged non-compliance is already under consideration by that Court. On these grounds, learned counsel for the Respondents prays that the petitions be dismissed as not maintainable and devoid of merit, or in the alternative, be deferred pending decision of the contempt proceedings before the Hon'ble Federal Constitutional Court of Pakistan.

14. We have heard learned counsel for the parties at considerable length and have carefully examined the material available on record.

15. It is an admitted position that contempt proceedings are pending before the Federal Constitutional Court of Pakistan, wherein, inter alia, allegations have been raised regarding (i) lack of requisite quorum at the Special General Body Meeting held on 27.12.2025, and (ii) the alleged conduct of elections in contravention of the Order dated 10.12.2025. The relevant averments forming part of the contempt application are reproduced hereinbelow:-

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7. That at this juncture, it is most pertinent to highlight that the elections were conducted on 27.12.2025 and wherein the nominations of candidates from eight member societies were rejected, and each of these eight member societies have individually filed Constitution Petitions on 26.12.2025 before the Honourable High Court. The Alleged Contemnors, while conducting the election, failed to ensure compliance with the essential requirement of quorum. Following the rejection of the eight member societies, only 14 member societies remained eligible out of a total of 24. However, as per the governing rules, the quorum required to hold a Special Annual General Meeting (AGM) is two thirds of the total members, i.e., 16 member societies. Notably, the list finalized by the Alleged Contemnors reflects only 14 member societies, which is insufficient to constitute the required quorum of 16 member societies.

9. That is most pivotal to highlight that the Letter dated: 27.12.2025, wherein the election results were announced, reveals that the handing over of the office of the Appellant was done by Alleged Contemnor No. 01 in contravention of the Order dated 10.12.2025 of this Honourable Court. Pursuant to the Order dated 10.12.2025, passed by this Honourable Court, Alleged Contemnor No. 01 was replaced by Alleged Contemnor No. 02, who was designated to conduct the elections in accordance with law. However, the Letter dated: 27.12.2025 clearly indicates that the elections were still conducted by Alleged Contemnor No. 01, in direct violation of the Order passed by this Honourable Court.

16. The doctrine of judicial propriety, comity of courts, and orderly administration of justice mandates that where a superior court is seized of a controversy involving compliance with its own orders, a subordinate court must refrain from entering into the merits of the same subject matter so as to avoid conflicting decisions. It is a settled principle that when issues of implementation or violation of a superior court's directions are under active consideration before that court, parallel adjudication by another forum would be inappropriate and contrary to established judicial discipline.

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17. In the present case, the gravamen of the Petitioners' challenge relates to alleged non-compliance and violation of the Order dated 10.12.2025 passed by the Hon'ble Federal Constitutional Court. The question whether the election process conducted on 27.12.2025 was in consonance with the modified mandate, whether quorum requirements were satisfied, and whether the Receiver or Nazir exceeded their authority, are matters intrinsically linked with, and overlapping to, the contempt proceedings pending before the Hon'ble Federal Constitutional Court. Any finding rendered by this Court at this stage may directly impinge upon, or pre-empt, the adjudication of the superior court.

18. In these circumstances, without expressing any opinion on the merits of the respective claims and contentions of the parties, we are of the considered view that it would be neither appropriate nor proper for this Court to adjudicate upon the issues raised in the instant petitions at this juncture. The ends of justice would be adequately served by deferring consideration until the Hon'ble Federal Constitutional Court renders its decision in the pending contempt proceedings.

19. Accordingly, all the above-captioned constitutional petitions, along with the listed application, are disposed of in the above terms. The parties shall, after the decision of the Hon'ble Federal Constitutional Court, be at liberty to avail such remedies as may be available to them in accordance with law, including revival or fresh invocation of jurisdiction, if so advised.

20. Needless to observe that the disposal of these petitions shall not prejudice the rights and contentions of any party on merits, which are left open to be agitated before the appropriate forum at the appropriate stage.

JUDGE

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