

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

Misc. Appeal No.36 of 2024

(*Muhammad Farooq & Others v. Registrar Cooperative Society Limited & Others*)

Misc. Appeal No.48 of 2024

(*Waheed Ahmed Soomro v. Muhammad Farooq & Others*)

Misc. Appeal No.68 of 2024

(*M/s. Saadabad Cooperative Housing Society Ltd v. Muhammad Farooq & Others*)

DATE: ORDER WITH SIGNATURE(S) OF JUDGE(S)

20-4-2026

Ms. Uzma Khan, Advocate for Appellants – in Misc Appeal No.36/2024
Mirza Sarfaraz Ahmed, Advocate for Appellant – in Misc Appeal No.48/2024
None for Appellant – in Misc Appeal No.68/2024
Mr. Hyder Raza Arain, Advocate for Respondent No.5 (Syed Asghar Abbas) – in Misc Appeals No.36 & 68/2024 and Respondent No.11 (Syed Asghar Abbas) – in Misc Appeal No.48/2024
Mr. Imran Ahmed Khan Abro, AAG

Sana Akram Minhas J: The present Appeals have been filed under Rule 53(2) of the *Sindh Cooperative Societies Rules 2020* (“**2020 Rules**”) and challenge the same judgment and decree dated 23.2.2024 issued by the learned Special Court for Cooperative Societies, Karachi constituted under Section 117 of the *Sindh Cooperative Societies Act 2020* (“**Act 2020**”).

Another learned Bench of this Court, vide **order dated 12.12.2025 passed in Miscellaneous Appeal No.64/2025 (Syed Khalid Mahmud & Others v. Muhammad Yaseen & Others)**, has directed that Miscellaneous Appeals filed under Rule 53(2) of the 2020 Rules be converted into Constitutional Petitions. In doing so, the Bench examined the statutory framework governing appeals and held that Section 105 of the Act 2020 provides a right of appeal only against orders or decisions of the Registrar, not against decisions of the Cooperative Courts. It was further observed that although Section 118 empowers the Government to frame rules, including those relating to appellate procedures, such rule-making authority is confined to matters contemplated under said Section 105. Since the Act 2020 does not confer any substantive right of appeal against orders of the Cooperative Court, the Bench held that Rule 53(2) of the 2020 Rules, to the extent it creates such a right, goes beyond

the scope of the parent statute. Consequently, the provision of Rule 53(2) was declared *ultra vires*, and appeals filed under it were held to be not maintainable.

However, to avoid prejudice to the parties, the said Bench invoked its inherent powers to convert the Miscellaneous Appeals pending before it into Constitutional Petitions under Article 199 of the *Constitution of Pakistan 1973*, with a direction that they be renumbered and placed before the appropriate Constitutional Bench for adjudication – constituted under Article 202-A of the Constitution, in light of the 27th Constitutional Amendment, whereby jurisdiction under Article 199 now exclusively lies with such Constitutional Bench.

The directions rendered in *Syed Khalid Mahmud* (supra) are squarely applicable to the present Miscellaneous Appeal.

The Office is accordingly directed to convert the instant Miscellaneous Appeals into Constitutional Petitions and list them before the appropriate Constitutional Bench as per the roster.

JUDGE

FAIZAN*