

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Suit No.1349 of 2016.

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For order on CMA No.9067/16 (If granted)
2. For orders on CMA No9068/16 (U/O 39 Rule 1 & 2 CPC.)

30-05-2016.

Dr. Farogh Naseem, Advocate for the plaintiff.

1. Granted.
2. Through this Suit, the plaintiff has impugned termination of his membership by defendant No.1 (Karachi Gymkhana), communicated to him vide Letter dated 26.05.2016. Counsel submits that without prejudice to any of the other grounds taken in the Suit, the membership of the plaintiff cannot be suspended or terminated without issuance of a prior Show Cause Notice as contemplated in Rule 30 of the Bye-Laws of defendant No.1. He further submits that the impugned action has been though taken in the Special General Body Meeting held on 26.05.2016, however, there was no such item on the Agenda of the General Body, whereby, the membership of any of its members could be suspended or terminated, whereas, meeting was only convened to consider and approve the recommendations of the Investigation Committee constituted specially by the General Body. He further submits that instead of taking further steps on the report of Investigation Committee, including issuance of a Show Cause Notice to the plaintiff, without any prior notice, membership of the plaintiff has been terminated. Learned Counsel has also referred to the recommendation of the Investigation Committee specifically in respect of the plaintiff available at page 507 onwards and to the last paragraph at typed page 51 of the report, wherein, it has been recommended by the Investigation Committee to issue a Show Cause Notice to the plaintiff for alleged misuse of powers, besides preempting the powers of the Project Committee and indulging himself in their affairs without any lawful authority. Learned Counsel submits that neither any Show Cause Notice pursuant to such recommendation of the Investigation Committee, nor any Notice in terms of Rule 30 of the Bye-Laws of defendant No.1 was issued, and therefore the decision taken in the General Body meeting on 26.05.2016

is illegal and without any lawful authority. Learned Counsel was confronted to the case of Mr. U. A. Ansari, another member of Defendant No.1, in whose case this Court had issued notice only and not passed any restraining orders, to which learned Counsel submits that till such time the said member had approached this Court, no adverse action had been taken against him, whereas, the recommendation of the Investigation Committee, in his case is materially different from the plaintiff, inasmuch as the Said member had reportedly conceded to certain allegations leveled against him. In support of his submissions that decisions taken by a Social Club in derogation of its own Rules and based on malafides and non-observation of principles of natural justice, this Court has jurisdiction to take notice of, learned Counsel has relied upon the case of ***Jehangir Mughal & others versus Karachi Gymkhana*** reported as **2012 CLC 1829**.

Let notice be issued to the defendants No.1 & 8 only for 03.06.2016. Till the next date, the operation of Notice/Circular dated 26.05.2016 issued by Honorary Secretary of Defendant No.1 available at Page 595 of instant file shall remain suspended.

J U D G E

Ayaz P.S.