

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Civil Revision Application No.88 of 2023
a/w Civil Revision Application No.89 of 2023

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

Priority

1. For hearing of CMA No.7531/2023
2. For hearing of CMA No.5748/2023
3. For hearing of Main Case

12.01.2024.

Mr. Rehman Ghani Khattak, Advocate for the Applicant(s).

M/s. Muhammad Zeeshan Abdullah and Adnan Abdullah,
Advocates for Respondent No.5.

Mr. Muhammad Kamran Khan, Assistant A.G. Sindh.

Mr. Dilfaraz Ahmed Marwat, Advocate, has filed his Vakalatnamas [in both matters] on behalf of Respondents No.3 and 4, which are taken on record.

Learned counsel for the Applicants states that both the impugned Orders refusing injunction are erroneous, because Applicants have been allotted Plot No.25 in the “**Society**” – Wholesale Timber Merchants Multi-Purpose Cooperative Society Limited, and in the connected Civil Revision Application No.89 of 2023, the Applicant is claiming Plot No.31 in the Society. He contended that when the private Respondents have handed over cheques to the Applicant(s) in lieu of their plots, it means that Applicants have at least limited interest in the Society, which has now been sold out to a Builder for development of the same. Further contended that proprietary interest of both Applicants shall be jeopardized due to the impugned Orders, if same are not set aside.

The above contention of learned counsel for the Applicants is opposed by learned counsel for Respondent No.5 as well as learned Advocate for Respondents No.3 and 4. Both Advocates states that since there is no illegality in the impugned Orders of learned Trial Court, therefore, instant Revision Applications may be dismissed.

Arguments heard and record perused.

Both impugned Orders dated 14.09.2021 passed by learned Trial Court have not only dismissed the injunction applications, but also Applications under Order VII Rule 11 of CPC for rejection of plaint. In the impugned Order, one of the reasons, *inter alia*, is that the status of Plaintiffs / Applicants is yet to be determined [in the Trial].

In absence of any allotment orders or title documents, both the impugned Orders are not erroneous, in particular, when the observation is given about continuity of Trial on merits and dismissing the Applications for rejection of plaints filed by Respondents.

Consequently, both the Orders [dated 14.09.2021 and 13.07.2023] are maintained. Trial should be concluded *preferably* within two months on merits. No adjournment should be allowed, particularly, once the evidence proceeding has commenced. Learned Trial Court will not be influenced by any of the observations made in the impugned Orders as well as in this Order. It is also clarified that Applicants can file a proper application before the Regulator of the Cooperative Societies, if there is *prima facie* any grievance in respect of implementation of Rules and Regulations.

In the above terms, both these Civil Revisions are disposed of along with all pending application(s), if any.

Riaz / P.S.

Judge