

4. Today, Aurangzaib and the learned counsel for the Society both submit that the case should be transferred to the Special Courts set up pursuant to the Sindh Co-operative Housing Societies Act, 2020. They have both relied on section 117 of the Act to support their contention. Section 117 provides as follows:

117.(1) For the purpose of speedy justice, Government shall with the consultation of the Chief Justice of the Sindh High Court, by notification, specify for each Division, a court of Civil Judge / Assistant Sessions Judge to be a 'Special Court for Cooperative Societies' to try the offences under this Act. (2) On establishment of Special Courts under sub-section (1), the cases falling within the purview of this Act pending in any court shall be transferred to the Special Court for trial. (3) The Special Court established under sub-section (1), on taking cognizance of a case shall proceed with the trial from day-to-day and shall decide the case within one hundred and twenty days.

5. On 03.08.2021, six courts in Sindh were notified by the Government of Sindh to act as Special Courts under the Act to *"try the offences under the Sindh Co-operative Societies Act, 2020."*

6. The language used in section 117 of the Act, and the Notification dated 03.08.2021 caused a certain amount of confusion, as the Act and the Notification, both seemed to suggest that only criminal cases would stand transferred to the Special Courts. This confusion was clarified by a subsequent Notification dated 09.08.2021 by explicitly stating that the Courts specified in the earlier notification shall *"also try civil disputes as mandated under the said Act and the rules made thereunder."*

7. The case in hand is broadly that of an alleged double allotment made by the Society, and damages that have flown from it. The case was filed on 08.11.2019 and therefore section 117(2) of the Act would come into play. The case touches upon the business of a Society and should therefore be transferred to the Special Court set up under the Act.

8. Given the above, the case stands transferred pursuant to section 117 of the Act to the Court of the learned 5th Senior Civil Judge/Assistant Sessions Judge, Karachi West (the court notified as Special Court under the Notification dated 03.08.2021) for adjudication.

JUDGE