

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP No. D-4628 of 2022**

(*Yahya Habib Lodhikawala v. Province of Sindh & Others*)

DATE: **ORDER WITH SIGNATURE(s) OF JUDGE(s)**

1. For Hearing of CMA No. 32351 / 2022 (O 1 r. 10 CPC App)
2. For Hearing of CMA No. 19649 / 2022 (Stay App)
3. For Hearing of Main Case

27-3-2025

Mr. Zulfiqar Ali, Advocate for Petitioner
Mr. Khurram Lakhani, Advocate for Intervenor
Mr. Parvez Ahmed Mastoi, Asst. AG, Sindh

The Petitioner has filed the present Petition, claiming to be a member of the *Kathiawar Cooperative Housing Society Ltd ("Society")* by virtue of owning Plot No.406 (as stated in paragraphs 6, 7, 10 & 12 of the Petition). He also asserts his status as an elected member of the Managing Committee and the Honorary Secretary of the Society. The Petitioner, inter alia, challenges the "Order" dated 9.7.2022 (**Court File Pg. 123, Annex G**) issued by official Respondents No. 3 to 5, which disqualifies him from holding the office of Honorary Secretary and from being a member of the Managing Committee on the grounds that he is no longer a member of the Society.

On the previous date (13.3.2025), the Petitioner's Counsel specifically sought time to verify the allegation made by the learned Counsel for Intervenor that the Petitioner had relinquished his entire interest in the aforesaid immovable property (i.e., Plot No.406, which was subsequently subdivided into Plots No.406 and 406/1) within the Society by selling it to multiple persons. In support of this claim, the Intervenor's Counsel referred to three separate registered Indentures of Sub-Lease, with two of them dated 30.8.2019 and one dated 16.3.2021 (**annexed with Intervenor's Application at Pg. 25, 49 & 69**). As a result, it was contended that the Petitioner no longer qualified as a member of the Society and was, therefore, ineligible to serve as a member of the Managing Committee or hold the office of Honorary Secretary.

Upon being confronted with the aforesaid Sub-Leases, the Petitioner's Counsel, while not denying their execution, merely argued that it was a separate issue and that if the Respondents had any objections, they could initiate independent proceedings on the matter. We find this line of reasoning utterly unconvincing.

Apart from the fact that the Petitioner has malafidely concealed this information in his Petition (which was instituted on 4.8.2022), once the Petitioner divested himself of his entire interest in the property, it follows that he could no longer retain his share in the Society, which would have also necessarily been transferred to the purchaser(s). As a result, he ceased to be a member of the Society. Membership in a cooperative housing society is inherently linked to ownership or a lawful interest in its immovable property, as well as a share in the Society. Without these, the Petitioner no longer met the fundamental eligibility criteria for membership.

Consequently, the Petitioner was ineligible to serve as a member of the Managing Committee or hold any office within the Society, including that of Honorary Secretary. The governing bylaws (**Court File Pg. 19, Annex A**) and statutory provisions make it abundantly clear that only members who possess an ownership interest in the property and share in Society can participate in the management and decision-making of the Society. Therefore, the Petitioner's disqualification was not only justified but inevitable under the law.

Accordingly, we find no merit in this Petition and hereby **dismiss** the same along with pending applications(s).

JUDGE

JUDGE