

Presented on 18/04/2025

ADDL. REGISTRAR (OS)

IN THE HIGH COURT OF SINDH AT KARACHI
(Civil Original Jurisdiction)

Suit No. 55 of 2022

1. Fawad Salim Malik
Son of Salim Malik,
Muslim, adult, resident of
48/A, Lalazar, M.T. Khan
Road, Karachi.
Former four time President
of Karachi Gymkhana.

(62)

2. Younus Rizwani
Son of Mehboob Hassan
Shaikh (late), Muslim, adult,
Resident of E-16/1,
Phase-IV, 4th Gizri Street,
DHA, Karachi
Former President of
Karachi Gymkhana.

3. Basit Alvi
Son of Aftab Alvi (late),
Muslim, adult,
Resident of 3-A/1,
14th South Street,
Phase-II, DHA,
Karachi
Former President of
Karachi Gymkhana.

4. Saleem Yousuf
Son of Muhammad Yousuf,
Muslim, adult,
Resident of 82, main
Khayaban-e-Shahbaz,
Phase-V, DHA, Karachi.
Former Vice President and
present elected Member
Managing Committee Karachi
Gymkhana



5. Sarwat Sultan Chandio
Wife of Ahmed Bham,
Muslim, adult,
Resident of House No.5/1,
Main Khayaban-e-Shaheen,
Phase-V, DHA, Karachi.
Present elected Member

Managing Committee Karachi
Gymkhana

6. Adeel Javed

Son of Shaikh Arshad Javed
Muslim, adult, Present Member
Managing Committee, Karachi
Gymkhana, 4, Club Road,
Karachi.....

Plaintiffs

VERSUS

Karachi Gymkhana

through its Secretary,
4, Club Road,
Karachi.....

Defendant

**SUIT FOR DECLARATON, INJUNCTION
CANCELLATION AND DIRECTION**



ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Suit No. 55 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGE

For hearing of CMAs No:

1. 560 of 2022.
2. 692 of 2022.
3. 2468 of 2022.
4. 2469 of 2022.
5. 2532 of 2022.
6. 10036 of 2022.
7. 10037 of 2022.
8. 10726 of 2022.
9. 12940 of 2022.
10. 17908 of 2022.
11. 18155 of 2022.
12. For orders on CMA No. 18154 of 2022.

07-12-2022

Khawaja Shams-ul-Islam, Advocate for the Plaintiffs.
Mr. Rehan Kiyani, Advocate for the Defendant.

The Plaintiffs are members of the Defendant Club, the Plaintiff No.1 the ex-President of the Club. An ad-interim order passed in the suit was assailed by the Club *via* High Court Appeal No. 282/2022. The learned Division Bench disposed of the appeal and a subsequent review application by observing essentially that the miscellaneous applications may be decided expeditiously by the single judge as interim orders, first in the suit and then in the appeal, are impeding the half-yearly General Body Meeting of the Club since July this year, which has now again been scheduled for 09-12-2022 *vide* notice dated 04-11-2022.

The temporary injunctions now being sought are by the Plaintiff No.1, and are in relation to an agenda item that is included by the present management of the Club in the notice issued for the half-yearly General Body Meeting of the Club. That meeting was first scheduled in July, but was postponed first due to rain, and then from time to time owing to stay orders. The agenda item in issue is to place before the General Body a technical report evaluating certain



construction works carried out in the Club. Per the Plaintiff No.1, the purpose of that report is to tarnish his reputation as the works had been carried out during his tenure as President of the Club.

On the other hand, the instant suit, filed on 13.01.2022, was essentially to challenge the voter list for the election of office bearers of the Club scheduled on 30.01.2022. The cause of action for the suit and all prayers therein were directed towards that election. The dispute over the agenda of the half-yearly General Body Meeting arose subsequently and is not subject matter of the suit. Furthermore, learned counsel for the Defendant places on record a copy of the plaint in Suit No. 1878/2022 recently filed by the Plaintiff No.1, and submits that being cognizant of the limited scope of this suit, the Plaintiff No.1 has now filed a fresh suit to challenge the said agenda of the half-yearly General Body Meeting. When confronted with that, learned counsel for the Plaintiffs submits that the fresh suit is on a distinct cause of action to challenge the technical report of construction evaluation being relied upon by the Club. However, in doing so, as the plaint of the fresh suit reflects, the Plaintiff No.1 has also prayed to stay the half-yearly General Body Meeting in which that technical report is sought to be placed, i.e. the same half-yearly General Body Meeting for which applications have been filed in this suit.



It is settled law ever since *Marghub Siddiqi v. Hamid Ahmad Khan* (1974 SCMR 519), and further discussed by a Division Bench of this Court in *Dawlance Pakistan (Pvt.) Ltd. v. G-Force Communication* (2019 CLD 920), that a temporary injunction cannot be granted to a plaintiff who has not prayed for a perpetual injunction to make his main relief complete. In the present suit, the Plaintiffs have not sought any main relief against the said half-yearly General Body Meeting or the said technical report, rather those were never subject matter of this suit. Therefore, the miscellaneous applications seeking temporary relief in that regard are beyond the scope of the suit. The Plaintiff No.1, who is the applicant of these miscellaneous applications, has filed a separate suit in that regard. For these reasons, CMAs No. 10036/2022,

10037/2022, 10726/2022 and 18155 of 2022 are dismissed and the interim orders passed thereon are vacated. Consequently, CMA No. 17908/2022 and 12940 of 2022 by the Defendant Club for permission to hold the half-yearly General Body Meeting are not required and are disposed of accordingly.

Sd/- *Ahmed Iqbal Qureshi*
Judge

*PA/SADAM

