

Present:

1. Mr. Waqar A. Sheikh Advocate alongwith Mr. Muhammad Javaid Iqbal Qureshi, Advocate for Petitioners.
2. Mr. Sharjeel Ahmad Assistant Registrar Cooperative Societies Lahore / Member Caretaker Committee of the Government Officers CHS Lahore
3. Mr. Muhammad Kashif Shahzad, Advocate for Mr. Asif Hussain and Qamar ul Islam Sahi, Applicants.
4. Hafiz M. Nauman Zafar, Advocate for Syed M. Asghar Raza Gardezi, Aurang Zeb etc., applicants.

In the first application under Order I Rule 10 of the Code of Civil Procedure, 1908 (CPC), counsel for the applicants submitted that the application had been filed for impleadment of his clients namely Mr. Asif Hussain and Qamar ul Islam Sahi as respondents in the instant case. He argued that it is a settled principle of law that every person whose presence is necessary for the effective and complete adjudication of the matter can be impleaded as a proper and necessary party. He further submitted that his clients were members of the Government Officers Cooperative Housing Society Ltd., Lahore, and were among the affectees of the misdeeds of the Managing Committee of the society, which had unlawfully cancelled their plots. He contended that the impugned order itself referred to the affectee members of the society and his clients fell within that category. The counsel further submitted that the Honorable Lahore High Court, Lahore, vide order dated _____ passed in Writ Petition No. _____ had directed this forum to decide the matter after hearing all concerned persons. Since, his clients

were members of the society and were directly affected by the actions of the Managing Committee; they fell within the expression "all concerned" and were therefore entitled to be impleaded as parties.

In the second application under Order I Rule 10 of the CPC, counsel for the applicants adopted the arguments advanced on behalf of the applicants in the first application. He further submitted that, as stated in paragraph 3 of the application, his clients namely Syed M. Asghar Raza Gardezi, Aurang Zeb etc., were members of the society and were directly affected by the acts of the superseded Managing Committee. He pointed out that their names also found mention in the impugned order passed by the Deputy Registrar, the order of the Honorable Lahore High Court, Lahore, and the complaints submitted before the National Accountability Bureau (NAB) regarding the alleged misconduct of the Managing Committee. He further contended that the proceedings initiated by the Department as well as the NAB authorities had originated from the complaints filed by the applicants. He therefore prayed that, in the interest of justice, his clients might be impleaded as respondents so that the alleged misconduct of the Managing Committee could be brought to the notice of this forum.

In response to the first application, counsel for the petitioners submitted that the case law relied upon by the applicants was not applicable to the facts and circumstances of the instant case, which had its own distinct factual and legal issues. He argued that the applicants had raised allegations of forgery against the Managing Committee, which could neither be examined nor adjudicated in the present proceedings, as those allegations involved independent questions requiring separate adjudication under the relevant provisions of the law.

With regard to the second application, counsel further submitted that the mere mention of the word "certain members" in the impugned order did not confer upon the instant applicants any

right to be impleaded in the present case. The counsel further argued that the applicants claimed to be members of the society, whereas their membership itself was disputed. Such disputes were required to be adjudicated separately under Section 54 of the Act, at the relevant forum and no finding regarding the disputed membership of the applicants could be made in the instant case.

Counsel further submitted that although the applicants had pleaded that their impleadment was necessary for the complete adjudication of the matter, whereas the adjudication had already been made by the subordinate forum and the present proceedings were confined only to examine the legality and propriety of the proceedings conducted by the Deputy Registrar. He argued that permitting individual members of the society to become parties in every disciplinary or regulatory proceeding initiated by the Department would be contrary to the scheme of the Cooperative Societies Act, 1925, and would unnecessarily open the door to endless litigation. Further submitted that the applicants had also appeared before the Honorable Lahore High Court, Lahore, where they had filed Civil Miscellaneous Applications. However, the Honorable Court had disposed of the main case as having become infructuous and so were their applications. He contended that the expression "all concerned" used in the order of the Honorable Lahore High Court referred only to those persons who were parties before the Honorable Lahore High Court, Lahore and did not extend to the present applicants. In support of his submissions, learned counsel relied upon a reported judgment and prayed that both applications might be rejected.

In rebuttal, counsel for the applicants responded to the submissions advanced on behalf of the petitioners and commenced his rejoinder arguments in support of the applications. However, he could not conclude his arguments.

Accordingly, the case is adjourned to for continuation of arguments by the parties, including the applicants,

on the maintainability of the applications. In the meantime, it is directed that no record of the Society shall be removed from the registered office or the premises of the Society, as alleged by the counsels for the petitioners. The Caretaker Committee shall function from the registered office of the Society and shall exercise its functions in accordance with law. As the initial arguments of the parties have not been completed and the official respondents have yet to be heard. Before hearing all the respondents and all concerned as directed by the Honorable Lahore High Court, Lahore vide order dated _____ passed in Writ Petition No. _____ interim relief at this stage will be premature. The interim relief application is disposed of. All the respondents are directed to appear on the next date of hearing.

**SECRETARY TO GOVT. OF THE PUNJAB,
COOPERATIVES DEPARTMENT**