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IN THE COURT OF ADDITIONAL DISTRICT JUDGE-XII/

MODEL CIVIL APPELLATE COURT,

KARACHI-SOUTH

Before: USMAN AHMED KHAN

Civil Revision Application No. 244 of 2025

1. Prof. Sabeen Naz Masood

(Secretary General Elected, Governing Body,

Society of Obstetricians & Gynecologists of Pakistan)

Wife of (Late) Muhammad Wajid Masood,

Muslim, adult, R/o Apartment No. U-19,

Hasan Apartment Extension, Gulshan-e-Iqbal,

Block 13-D, Karachi

2. Prof. Nusrat Kamal

(Vice President Sindh Elected, Governing Body,

Society of Obstetricians & Gynecologists of Pakistan)

W/o Kamal Uddin Ahmed, Muslim, adult,



R/o Flat No. AS-5, Additional Secretary Flats,
GOR Colony, Bath Island, Karachi

3. Dr. Erum Majid

(Treasure Elected, Governing Body,

Society of Obstetricians & Gynecologists of Pakistan)

Muslim, adult, R/o Apartment No. 801,

Metropole Apartment, Mary Road, Bath Island, Karachi

4. Dr. Nadeem Fayaz Zuberi

(Executive Member Elected, Governing Body,

Society of Obstetricians & Gynecologists of Pakistan)

S/o Fayaz Ahmed Zuberi, Muslim, adult,

R/o House No. A-20, Khyban-e-Abbasi, DHA Phase VII,

Karachi.....Applicants

Versus

1. Prof Dr. Arshad Chohan

S/o Mohammad Shareef Chohan,

Muslim, adult, R/o House No.141,

Shadman Town, Lahore.

2. Prof. Sadia Ahsan,



Wife of Khawaja Mohammad Inam Pal,
Muslim, Adult, R/o House No.35/1,
Street 1 Gizri, DHA,
Karachi.

3. Prof. Farrukh Naheed w/o
Kareem Kammeruddin,
Muslim, adult, R/o Flat No.405,
K-A-2, Block 3, Kareemabad,
Karachi.

4. Prof. Nargis Danish
D/o Irshad Awan,
Muslim, Adult, R/o House No.109-A,
Street No.4, PMA Road, Abbotabad

5. Prof. Dr. Razia Korejo
Chairperson, Election Committee,
Society of Obstetricians & Gynecologists of Pakistan
SOGP Secretariat, Dept. of Obstetrics &
Gynecology Ward, Ward-8, JPMC,
Karachi.



6. Prof. Dr. Tazeem Abbas

Secretary General, Governing Body &

Member of Election Committee,

Society of Obstetricians & Gynecologists of Pakistan

R/o 82/1, 20th Street, Khy-e-Rahat,

Phase 6, Karachi.

7. Prof. Dr. Rosban Ara Qazi

Vice President & Member of Election Committee

Society of Obstetrician & Gynecologists of Pakistan

Gulshan-e-Iqbal, Karachi.

8. Prof. Tasneem Ashraf

Room No.5 & 6, First Floor, Saleem Medical Complex,

Jinnah Road, Quetta

9. Prof. Sanla Khattak

House No.9, Haseeb Street, Wahidabad Post Office,

BISE Jamrud Rd, Peshawar

10. Prof. Sadaqat Jabeen

Sadaqat Manzil, Noor Street, Durri Kamil Rd,

Zaryab Colony, Faqirabad, Peshawar



11. Dr. Azra Jameel

House No.177, A-1, 13-D-2,
Gulshan-e-Rabla Gulshan-e-Iqbal,
Karachi.

12. Prof. Amtullah Zareen

30-B, RECHS, College Road, Lahore

13. Provincial Assistant Registrar

Joint Stock Companies, Sindh 2nd Floor,
State Life Building No.11, Abdullah Haroon Rd,
Karachi.

14. Prof. Rubina Sohail

125-B, Ahmed Block, New Garden Town,
Lahore.

15. Rehana Rahim

Forest View Apartment, Pelosi Road,
Rahatabad, Peshawar.

16. Prof. Shahid Irshad Rao

House No.14, Street 2, Sakni Sultan Colony,
Multan.



17. Prof. Maj. Gen. Abeera Chaudhary

House No. 10, Street 5,

Sector D, DHA Phase 1, Islamabad

18. Prof. Naeema Utman

House No. 61, D-3,

Syed Jamaluddin Aghani Road, University Town, Peshawar

19. Prof. Najma Ghaffar

House No.215, 1-A City Scheme,

Brewery Rd, Near BMC, Quetta

20. Prof. Nusrat Javed Awan

107-A, Satellite Town, Sargodha

21. Prof. Sonia Naqvi

1 A, 4th North Street, DHA Phase 1,

Karachi.

22. Salman Sajid S/o unknown

R/o Plot No.76-C, Khayaban-e-Jami,

Phase 7 DHA, Karachi.



23. Branch Manager HBL Bank,

JPMC Branch, Karachi. Respondents

ORDER

14-01-2026

By this order, I intend to dispose off the instant Civil Revision Application preferred by the Applicants against the impugned order dated 01-12-2025 passed by learned Vth Senior Civil Judge, Karachi South in Civil Suit No. 9630/2025, whereby the said Civil Suit was dismissed.

2. Brief facts leading up to the instant Civil Revision Application are that the respondents No.1 to 4 filed a Civil Suit No. 9630/2025 seeking to declare that the elections of society of Obstetrician and Gynecologist of Pakistan conducted on 31-5-2025 be nullified due to illegalities in the e-voting system and the election result be declared as void, and also sought for re-election of the society.

3. During the course of proceedings of civil suit, two applications under Section 151 CPC was filed in instant Civil Suit i.e. No. 9630/2025, one application for production of records and results of election held on 31-05-2025 including a list of voters and other application for production of all material documents related to the election. Whereas on 01-12-2025, the Civil Suit No. 9475/2025 was fixed for filing of written statements of respondents and hearing on pending applications and the Civil Suit No. 9630/2025 was come up for orders on applications under Section 151 CPC. The learned trial Court dismissed both the suits being infructuous and ordered new elections vide impugned Order dated 01-12-2025. The Applicants being aggrieved by the impugned Order dated 01-12-2025 preferred the instant Civil Revision Application.

4. Upon admission of the instant Civil Revision Application, the notice was given to the Respondent side. Upon such notice, learned counsel for the respondents appeared and filed objections/counter affidavit and the matter was fixed for hearing of the instant civil revision application.



5. I have heard learned counsel for the Applicants, learned counsel for the Respondents and perused the material available on record.

6. Learned counsel for the Applicants has submitted that the impugned order dated 01-12-2025 passed by the learned trial Court suffers from grave illegality as the learned trial Court has dismissed the suit of applicants in a hurriedly manner without considering the facts of the case and order for fresh elections of the Society. The learned counsel for Applicant further submitted that the learned trial Court has erred in passing the impugned order dated 01-12-2025 as the elections of the Society had been conducted on 31-05-2025 and the applicants were elected in the said elections. He contended that both the Suits bearing Nos. 9475/2025 and 9630/2025 were decided on an interlocutory applications whereas the said applications has the prayer of production of record and at most, consideration of a forensic exercise. He further contended that the learned trial court has granted substantial portion of final relief prayed in Suit No. 9630/2025 including fresh elections and displacement of the existing electoral mandate at an interlocutory stage and without trial. He prayed that the instant civil revision application may be allowed.

7. On the other hand, learned counsel for the Respondents filed objection/counter affidavit upon the instant Civil Revision Application and submitted that the instant civil revision application is expressly barred as the impugned order dated 01-12-2025 is an appealable order under CPC, 1908. He further submitted that the learned trial Court has rightly passed the impugned order dated 01-12-2025. He further submitted that the respondents No. 1 to 4 are members of governing body/executive committee of the Society and Prof. Dr. Tazeen is the Secretary General of the Society. He contended that election committee noticed certain irregularities in the electoral process as well as a systematic failure of e-voting system and no final notification was ever issued declaring any candidate as winning candidate. He further contended that the election results were held in abeyance. He further contended that the report of irregularities and peculiarities were submitted before the Executive Committee in its meeting on 02-08-2025 and after taking the said report into consideration, the executive committee declared the elections held on 31-05-2025 as void and such notification dated 08-08-2025 was issued. He submitted that the learned trial court has rightly passed the impugned order. He has prayed for dismissal of the instant Civil Revision Application.

POINTS FOR DETERMINATION



8. To decide the present Civil Revision Application, points for determination are as under: -

Point No.1. Whether the learned trial Court had erred in passing the impugned order dated 01-12-2025 and the same requires interference of this court?

POINT No.2. What should the order be?

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FINDINGS

9. My findings for the above points are as under:-

POINT No.1 Affirmative.

POINT No.2 Civil Revision Application in hand stands allowed.

REASONS

10. My reasons for such findings are as under:-

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POINT NO.1

11. I have carefully attended the arguments of learned counsel for the Applicant, learned counsel for the Respondents and gone through the contents of the instant Civil Revision Application, impugned order dated 01-12-2025 passed by learned Vth Senior Civil Judge, Karachi



South in Civil Suit No. 9630/2025, whereby the said Civil Suit was dismissed being infructuous.

12. Before proceeding further, I find it necessary to discuss the objection raised by the learned counsel of the Respondent side. It was argued by the learned counsel for the Respondent that the instant civil revision is not maintainable as the same is preferred against the order disposing off the civil suit. In this regard, I have perused the impugned order which shows that the instant civil revision is filed against an order whereby the civil suit was dismissed as infructuous. Section 96 of CPC provides that;

96. Appeal from original decree - Save where otherwise expressly provided in the body of this Code or by any other law for the time being in force, an appeal shall lie from every decree passed by any Court exercising original jurisdiction to the Court authorized to hear appeal from the decisions of such Court.

(2) An appeal may lie from an original decree passed Ex -parte.

(3) No appeal shall lie from a decree passed by the Court with consent of the parties.

13. Upon perusal of the above, it becomes clear that an appeal can be filed against a decree. However, in the instant case, no decree was drawn by the learned trial court. Moreover, it will also be not out of place to mention here that the impugned order is not a judgment passed after recording of evidence, rather the same is an order sheet, whereby the learned trial court has come to the conclusion that the civil suit has become infructuous, after deciding the interlocutory application in instant civil suit No.9630 of 2025. Therefore, in such circumstances, I am of the opinion that the instant civil revision is maintainable as the same is preferred against an impugned order sheet for which no other remedy is available.

14. Before deciding the merits of the instant revision application, I deem it necessary to discuss the scope of civil revision application. It is settled law that the revision jurisdiction may be exercised when the court has exercised the jurisdiction not vested in it by law, or to have failed to exercise a jurisdiction so vested or to have acted in exercise of its jurisdiction illegally or with material irregularity.



15. It will be not out of place to mention here that the learned trial Court had exercise jurisdiction as vested in it by law, however, the determination that requires indulgence of this court in the instant civil revision application is whether the learned trial Court has acted in exercise of its jurisdiction illegally or with material irregularity.

16. In this regard, I have perused the impugned order dated 01-12-2025. Perusal of impugned order reflects that the learned trial Court after deciding two separate applications under Section 151 CPC vide order dated 01-12-2025 passed in instant civil suit No.9630/2025, arrived at the conclusion that the civil suit No.9630 of 2025 has become infructuous, therefore, the civil suit No.9630 of 2025 was dismissed as infructuous vide order dated 01-12-2025

17. It will be not out of place to mention here that two separate suits bearing Nos. 9475/2025 and 9630/2025 were filed in respect of elections conducted by society of obstetricians and gynecologists of Pakistan. The plaintiffs in the Suit No. 9475/2025 has filed the civil suit claiming that no illegality was committed during the elections process and they have prayed to handover the charge of society to the elected body. Whereas, the plaintiff in the subsequently filed Suit No. 9630/2025 has claimed that there has been material illegality in process of the elections and many voters were not able to cast their votes, rather someone else had casted votes on their behalf, due to the non-working of e-voting process. As such, the plaintiff in the subsequent Suit No. 9630/2025 mainly sought declaration that the elections of society of obstetricians and gynecologists of Pakistan conducted on 30-05-2025, be declared as void and without any legal effect and also sought fresh elections through a secure and transparent secret ballot process.

18. As such it appears that in both the civil suits, the question with regard to the legality/illegality of the elections conducted by society of obstetricians and gynecologists of Pakistan were challenged before the trial court. However, it is interesting to note that during the course of trial proceedings, while deciding two applications under Section 151 CPC in instant civil suit No.9630/2025, the learned trial Court directed for conducting the fresh elections. The relevant portion of the impugned order dated 01-12-2025 is reproduced hereunder:-



• It is learn from the episodes of the arguments that no any notification has yet been issued by the society in favour of the winning candidate who are acting as the lawful and successful candidate in the affairs of the society. At this juncture, whether calling of a confidential record of SOGP election or conducting an I.T based forensic audit would serve the purpose and redress the panic amongst the voters i.e. the respective members of the society or there should be a conduct of free and fair election afresh.

From the collective examination of the pleadings, counter-affidavits and arguments advanced in both suits, it has emerged that the controversy surrounding the elections of SOGP held on 31.05.2025 has deepened to an extent that no interlocutory direction whether for production of confidential electronic logs, appointment of a forensic auditor, or selective disclosure of backend data can restore confidence amongst the stakeholders. The plaintiffs in Suit No. 9475/2025 maintain the position that the process was flawless and that they stand as duly elected office bearers, whereas the plaintiffs in Suit No. 9630/2025 challenge the very foundation of the election alleging systemic manipulation, procedural lapses, disenfranchisement and backend tampering.

The Court has also noted with concern that the absence of an officially issued notification, the unilateral access of some parties to the Society's website and internal systems and the competing claims of rival groups have created a state of profound uncertainty, undermining the functioning of the Society and eroding the trust of its members. In such circumstances, neither discovery of selective documents nor a limited forensic examination would adequately address the competing allegations, much less provide a durable or institutionally accepted resolution capable of restoring normalcy.

In the considered view of this Court, the only course that can redress the collective concerns of all stakeholders, ensure institutional legitimacy and safeguard the principles of transparency, fairness, and democratic governance, is the conduct of a fresh, free and fair election through a separate, well-reputed and independent e-voting vendor, entirely unconnected with the earlier process. The integrity of such election shall be ensured through a Monitoring Committee comprising:

- (i) one representative nominated by the group of candidates who were declared winners in the previous election,
 - (ii) one representative nominated by the group of losing candidates challenging the earlier election,
- and



(iii) three senior-most, neutral members of the Society, whose role shall be supervisory and confined to ensuring absolute transparency and procedural fairness in the conduct of the electoral process.

The Monitoring Committee shall oversee all stages of the election, including: verification of the voter list, configuration of the e-voting platform, issuance of credentials, audit-trail assurances, and monitoring of the live voting window. The Committee shall not, however, assume any administrative or policy role beyond ensuring transparency and compliance with the Society's byelaws.

Needless to state, the Society as an institution shall remain solely responsible for (a) the formal conduct and completion of the fresh election, (b) coordination with the independent vendor, (c) ensuring that all necessary safeguards and integrity protocols are observed, and (d) issuing the official notification of the successful candidate(s) immediately upon conclusion of the election, strictly in accordance with its byelaws and without delay.

This arrangement, in the view of the Court, strikes the only workable balance between the sharply divided positions of the parties, prevents further erosion of the Society's internal structures, restores confidence in the democratic functioning of its governing body and ensures that the process going forward is transparent, independent, and immune from allegations of manipulation or impropriety.

In view of the foregoing observations and directions, the Society is hereby directed to initiate and complete the entire fresh election process, through the independent e-voting vendor and under the Monitoring Committee as constituted hereinabove, within a maximum period of three (03) months from the date of this order, ensuring strict adherence to transparency, neutrality, and the Society's byelaws. Since the conduct of a fresh, supervised and transparent election renders the underlying controversies in both suits devoid of practical significance, the pendency of the suits now serves no useful purpose; accordingly, both suits viz. Suit No. 9475/2025 & Suit No. 9630/2025 are held to have become infructuous and are dismissed in consequence of the fresh election process so ordered. The parties shall bear their own costs."



19. Upon perusal of above reproduced portion, it appears that the learned trial Court has come to the conclusion that the fresh election is the only course that can redress the collective concerns of all stakeholders. However, I am of the opinion that such conclusion of the learned trial Court is based on conjectures as nothing is available on record in support of such observation of the learned trial court. Moreover, the question before the learned trial court in both the separate suits was for determination of whether the elections held on 31/05/2025 were either validly conducted elections or whether the same suffered from any illegality. In this regard, I am of the opinion that recording of evidence was necessary in order to adjudicate upon the factual controversies involved in the instant case. However, at the preliminary stage of both the civil suits, without anything being available on record to conclude that the elections conducted on the 31-05-2025 were either validly conducted elections or not, the learned trial court directed for conducting of fresh elections, which in my opinion the learned trial court has exceeded in exercise of its power.

20. Moreover, I am of the opinion that the learned trial court while issuing directions of conducting the fresh elections has essentially nullified the elections of society of obstetricians and gynecologists of Pakistan conducted on 31-05-2025 at the preliminary stage, without anything material being available on record. Indeed, in the instant civil suit No.9630/2025, the legality of the elections conducted on 31/05/2025 has been challenged, however, I am of the opinion that recording of evidence is necessary in order to adjudicate upon the such factual controversies involved in the instant case. Moreover, I am of the opinion that the learned trial court was bound to follow the procedure as provided in the code of civil procedure and pronounce the judgment after finally adjudicating upon the issues in both the civil suit.

21. It is also interesting to note here that while coming to the conclusion of conducting of fresh elections, it appears that the learned trial Court has essentially nullified the elections of society of obstetricians and gynecologists of Pakistan conducted on 31-05-2025. Such relief was the final reliefs in the instant civil suit No. 9630/2025, which was allowed as per order dated 01-12-2025 while deciding the interlocutory applications. Whereas, the relief as prayed in civil suit No. 9475/2025 were dismissed without even providing the plaintiff an opportunity to lead evidence in support of their claim.

22. Therefore, keeping in view the above discussion, I am of the opinion that the impugned order dated:01/12/2025 suffers from grave illegality and requires interference of this Court. The point No.1 is answered in affirmative.



Point No.2

23. Keeping in view the above discussion, the instant Civil Revision Application stands allowed. The impugned order dated:01/12/2025 passed by the learned trial court is hereby set-aside and civil suit No.9630/2025 is restored to its original position. The learned trial court is directed to decide the civil suit on merits. The instant Civil Revision Application stands disposed off accordingly.

Pronounced in open Court.

Given under my hand and the seal of this Court.

On this 14th day January, 2026.

[USMAN AHMED KHAN]
Additional District Judge-XII/
Model Civil Appellate Court,
Karachi-South

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