

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI

I.A. No.59 of 2014

DATE

ORDER WITH SIGNATURE(S) OF JUDGE(S)

Present
Mr.Justice Muhammad Ali Mazhar
Mr.Justice Agha Faisal

Habib Metropolitan Bank Limited.....Appellant

Versus

Messrs.G.G. Garments & others.....Respondents

16-05-2019

Mr.Muhammad Naseer, Advocate for the Appellant.
Mr.Ansar Hussain Memon, Law Officer of the Appellant
Respondent No.2 Muhammad Saleem and Respondent No.3
Muhammad Sohail are also present.

Muhammad Ali Mazhar, J: The appeal is directed against the judgment and decree passed by the learned Banking Court No.II, Karachi dated 21.05.2014 in Suit No.244/2010. The learned Banking Court decreed the suit in the sum of Rs.2,027,000/- along with cost of funds from the date of default i.e 21.01.2009 till realization of the entire decretal amount. The prayers with regard to cost of suit and sale of the mortgaged property was also allowed by the court. Since the amount decreed was considered deficient to the claim of the appellant, they have filed this appeal. During pendency of this appeal they have amicably resolved the issue with the respondents and filed application under Order 23 Rule 3 CPC for recording compromise in this appeal. The representative of the appellant Ansar Hussain Memon has signed the compromise application with the seal of the appellant and his power of attorney dated 1.03.2016 is also attached to show that he has been given

power to compromise the matter. He has also filed his personal affidavit in the capacity of attorney of the appellant which is duly verified by the ISMS Department of this court. The respondent Nos.2 and 3 are also present and the respondent No.3 is also attorney of respondent Nos.4 and 5. The respondent Nos.2 to 5 are partners of Messrs. G.G. Garments. The respondent No.3 has signed the compromise application for self and on behalf of respondent Nos. 4 and 5, whereas the respondent No.2 has also signed the same. The respondent No. 3 has also signed on behalf of respondent No.1. The affidavits of Muhammad Saleem and Muhammad Sohail (Respondent Nos.2 and 3) are also attached with the compromise application duly verified by the ISMS Department of this court.

Since the parties have resolved the matter amicably outside the court, therefore, this appeal is disposed of in terms of compromise. pending application is also disposed of accordingly.

Judge

Judge