

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT AT LARKANA
Civil Appeal No. D-02 of 2017

Date	Order with signature of Judge
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For order on M.A No.194/2018 (Appln. U/O XXIII Rule 3 C.P.C).

16-08-2018

Mr. Manoj Kumar Tejawani, advocate for the appellant Bank.

Respondents No.2,3,5 and 7 are present in person while respondents No.4,6 and 8 represented through their attorney Khadim Hussain (respondent No.2).

By means of this application, the parties have prayed for the decree of the suit in term of terms and conditions enunciated in the application.

The representative of the appellant bank and the respondents No.2 and 3 are present in court. They state that they have settled the dispute outside the court and in this regard they have entered into a settlement agreement. Respondents further stated that they have no objection if the appeal is allowed by setting aside the impugned order dated 25.04.2017 and the matter is remanded to trial Court for decreeing the same according to settlement agreement reached between the parties after filling Statement of Account, duly certified, by the appellant Bank.

Accordingly, we allow this civil appeal by consent and set aside the impugned order dated 25.04.2017 passed by the learned Banking Court-I, Larkana Division at Larkana in Civil Suit No.08 of 2016, whereby the plaint in suit was rejected by the Court Under Order VII Rule 11 C.P.C, and remand the matter to said Banking Court. The appellant bank shall file fresh Statement of Account duly certified as per Bankers' Books Evidence Act, 1891 before the Banking Court and thereafter the learned Banking Court shall entertain the

application of the parties under Order XXIII Rule 3 C.P.C for the disposal of same in accordance with law.

Instant Civil Appeal stands disposed of in above terms. 0

Abdul Salam/P.A