

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Civil Revision Appln.No.D-03 of 2024
(Ameer Bux Vs. Zarai Taraqiati Bank Ltd. & Ors)
Connected with
Civil Revision Appln.No.D-05 of 2024
(Ameer Bux Vs. Zarai Taraqiati Bank Ltd & Ors)

DATE	ORDER WITH SIGNATURE OF JUDGE
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01. For orders on office objection.
02. For hearing of CMA No.639/2024.
03. For hearing of main case.

01. For orders on office objection.
02. For orders on CMA No.875/2024.
03. For hearing of main case.

23.09.2025

Mr. Imdad Ali Mashori, Advocate for the Applicant.
Mr. Waseemullah Solangi, Advocate for Respondent/Bank.

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By this common order, both aforementioned Civil Revision Applications are intended to be disposed of together. Through Civil Revision Application No.D-03 of 2024, the applicant has assailed the order dated 23.05.2024, passed by the learned Banking Court-II, Larkana, in Suit No.117 of 2020, whereby the application under Section 12 of the Financial Institutions (Recovery of Finances) Ordinance, 2001, read with Section 12(2), C.P.C, was dismissed. The said application had been filed against the ex-parte judgment and decree passed against the applicant. The connected Civil Revision Application No.D-05 of 2024 arises out of Execution Application No.40 of 2021, filed for execution of the said decree.

The suit for recovery of Rs.1,127,623/- was instituted by the respondent Bank, which culminated in an ex parte decree against the applicant.

When confronted by this Court regarding the maintainability of these revision applications in view of the bar contained in Sections 22 and 27 of the Financial Institutions (Recovery of Finances) Ordinance, 2001, learned counsel for the respondent Bank also emphasized the same objection. Learned counsel for the applicant, after some arguments, submitted that the present revisions were filed on the premise of dismissal of the application under Section 12(2), C.P.C. However, realizing the bar of jurisdiction, he does not press these revision applications and submits that the applicant intends to avail the appropriate remedy available under Section 22 of the Ordinance. He further prayed that since the present revisions were filed in good faith before a Court lacking jurisdiction, the time consumed herein may be excluded, so that limitation may not come in the way of the applicant.

Be that as it may, in view of the above submissions, both Civil Revision Applications are disposed of as not pressed. The applicant, however, shall be at liberty to avail the appropriate remedy available under the law, with invoking Section 14 of the Limitation Act, 1908.

Both Civil Revision Applications stand disposed of in the above terms with no order as to costs.

JUDGE

JUDGE