

IN THE HIGH COURT OF SINDH AT KARACHI

Ist Appeal No.49 of 2024

Date	Order with Signature of Judge
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Hearing of case
For hearing of main case.

12.11.2025

Mr. Asim Mansoor Khan, Advocate for the appellant
a/w Ms. Shumaila Sagheer Advocate.

JUDGMENT

Muhammad Iqbal Kalhoro; J: Appellant filed a suit before the Banking Court for recovery of Rs.36,07,808/- against respondents who had availed car financing loan, and after paying the installments for three years, had defaulted. The respondents were declared ex-parte. The appellant presented the evidence and the suit was finally decreed against the sum of Rs.19,66,190/-. The respondents were declared ex-parte on the last date of hearing as despite substitute service through publication in the newspapers, they failed to appear. Learned counsel for the appellant has submitted that the learned Banking Court has not looked into the documents viz. statement of accounts which reflect that the respondents were obligated to pay the entire amount sought to be recovered from them. More so, even the funds and charges against the cheques have not been decreed in favour of the appellant, nor the option to seize the vehicle in case of non-recovery.

2. We have seen the impugned judgment. The learned Banking Judge has not referred to any document on the basis of which he has decreed the suit against the sum of Rs.19,66,190/-. It is apparent that the findings of the Banking Court are based on no evidence; hence the judgment and decree are set aside and the matter is remanded back to the Banking Court with the direction to decide the case on merits after affording an opportunity of hearing to the appellant and if possible to the respondents. In the exercise, if fresh evidence is required, the Banking Court shall record the same. The entire exercise shall be completed within the period of three (03) months. The appeal is disposed of in the above terms.

JUDGE

JUDGE