

THE HIGH COURT OF SINDH KARACHI

Present:

Mr. Justice Yousuf Ali Sayeed

Mr. Justice Adnan Iqbal Chaudhry

C.P. No. D – 4566 of 2026

[Mst. Farhana Majeed and another versus HBFC and others]

Petitioners : Mst. Farhana Majeed and another
through Mr. Ashique Hussain Mahar,
Advocate.

Date of hearing : 21-07-2026

Date of decision : 21-07-2026

ORDER

Adnan Iqbal Chaudhry I. – 1] Urgency granted. 3] Exemption granted subject to all just exceptions. 2, 4 & 5] Though the Petitioners arrayed are “*Ms. Farhana Majeed and Ashfaq Ali Siddiqi*”, the petition is in fact by their Attorney for himself, namely Rehan Khan, who claims to hold the subject property in his own right under a registered Power of Attorney, viz. Flat No. H-20, Iqbal Complex, North Karachi. Therefore, it is **Rehan Khan** who is hereinafter referred to as ‘the Petitioner’.

2. The Petitioner has challenged order dated 18-06-2026 passed by the Banking Court No.II at Karachi in Execution Application No. 120/2019 [**impugned order**], dismissing his application under section 19(7) of the Financial Institutions (Recovery of Finances) Ordinance, 2001 [**FIO**] as not maintainable, which order is followed by a writ of possession dated 14-07-2026 for delivering subject property to the auction purchaser.

3. The impugned order is in the following background. The underlying decree for sale of the subject property as mortgaged property was passed against Ms. Farhana Majeed and Ashfaq Ali Siddiqui, who did not appeal the same. When the Banking Court proceeded to auction the subject property in execution proceedings, the Petitioner filed First Appeal No. 75/2025 before the High Court to challenge the decree, contending that he had purchased the subject

property in the year 2012. Upon that, the High Court passed an interim order staying confirmation of auction sale subject to security of the entire decretal amount with the Banking Court in 7 days, failing which, it was categorically observed, that the interim order shall stand vacated automatically. The Petitioner did not submit security. Therefore, the Banking Court proceeded to finalize the auction and confirmed the sale on 18-09-2025. The Petitioner's First Appeal No. 75/2025 was eventually dismissed for non-prosecution on 16.12.2025.

4. The Petitioner re-emerged before the Banking Court with an application under section 12(2) CPC to challenge the auction sale, which application was dismissed on 17-01-2026 for the reason that the sale had already attained finality in terms of Order XXI Rule 92 CPC. Against that, the Petitioner filed First Appeal No. 08/2026. That appeal too was dismissed by the High Court *vide* order dated 27-04-2026. The Petitioner then filed another application before the Banking Court under section 19(7) of the FIO to challenge the auction sale, which was dismissed as not maintainable *vide* impugned order.

5. Apparently, against the auction/sale of the subject property by the Banking Court, the Petitioner has already exhausted remedies before the Banking Court in terms of Order XXI Rule 90 CPC and then before the High Court, culminating in the dismissal of First Appeal No. 08/2026 by order dated 27.04.2026. The principal amount of the decree deposited by the Petitioner with the High Court (without cost of funds) is to no avail when his appeal stands dismissed. Instead of challenging the High Court's order before the Supreme Court, the Petitioner made another application before the Banking Court under section 19(7) of the FIO to challenge the sale, which application was clearly not maintainable after the High Court had already determined the matter *vide* order dated 27.04.2026. For the same reason, this petition too is not maintainable. Dismissed in *limine*.

JUDGE

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