

THE HIGH COURT OF SINDH BENCH AT SUKKUR

**Before;-
Justice Muhammad Faisal Kamal Alam
Justice Tasneem Sultana**

**Ist. Civil Appeal No. D- 33 of 2022
Ist. Civil Appeal No. D- 34 of 2022
Ist. Civil Appeal No. D- 35 of 2022**

Appellant(s)	:	M/s Gambat Green City Filing Station, Pathana Petroleum Service Station and Kissan City Service Station through their Proprietor Khalil Ahmed Shaikh. Nemo
Respondent(s)	:	United Bank Limited in all matters, through Mr. Fareed Ahmed Soomro, Advocate
Date of Hearing	:	09.09.2026
Date of Order	:	09.09.2026

O R D E R

Muhammad Faisal Kamal Alam, J.- By this common order, all these three Appeals are decided.

It is date and time fixed matter. On last date of hearing, Mr. Ashok Kumar K. Jamba, Advocate had held brief of Mr. Mukhtiar Ahmed Kobhar and the matter was relisted for 01.09.2026 at 11:00 a.m., on that date no one appeared and one chance was given and matter is fixed for hearing today, but again despite repeated calls no one is present, neither the Counsel nor the parties.

Three Applications (CMAs No.1358, 1362 and 1366 of 2022), have been filed for condonation of delay as these Appeals are preferred beyond the thirty (30) days prescribed limitation mentioned in the Financial Institutions (Recovery of Finances) Ordinance, 2001. The impugned Judgments were handed down on 11.08.2022 followed by the Decree on 13.08.2022. Stamping shows that the application for certified copy was filed on 24.09.2022, that is, after the expiry of prescribed limitation time. The only reason is given in the above condonation Application(s) is that the Appellant did not know about passing of the Judgment. This reason is contrary to the record, because the Judgment is not ex-parte, but it was passed after considering the contents of the

plaint in Banking Suits preferred by the Respondent-Bank and the Leave to defend Application(s) filed by the Appellants. Therefore, they were in knowledge about the proceedings before the learned Banking Court.

Learned counsel for the Respondent-Bank has pointed out that the Appellants have not disputed the availing of finance facility and their Leave to defend Application(s), only disputes the figures of the liability. The plaint and Leave to defend Application(s) are also perused and the contention of the Respondents' Counsel appears to be correct. The Appellant has disputed the outstanding liability figure as mentioned in the plaint but not the availing of finance facility itself; whereas, in paragraph-3 of the above Leave to defend Application, it is stated that the Appellant is ready to make the payment of Rs.2,23,80,963/- in easy installments as per the settlement with the Respondent-Bank.

In view of the above facts, there is no reason to condone the delay in filing the time barred Appeal(s), inter alia, because plausible defence is not made out by the Appellants.

Accordingly, these Appeals are dismissed along with all pending applications, if any.

Office to place signed copy of this order in the connected captioned matters.

Judge

Judge