

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

Suit No.B-34 of 2017

Date	Order with signature of Judge
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1. For orders on CMA 2204/22
2. For orders on CMA 2205/22

**Dated: 14.02.2022**

Mr. Waqar Ahmed along with Mr. Hashmatullah for plaintiff.  
Ms. Heer Memon for defendants No.1 and 4.  
Mr. Munim Masood for defendant No.3.

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- 1) Urgency granted.
- 2) The defendant No.2 in pursuance of order of Lahore High Court in C.O. No.07 of 2011 has been merged in defendant No.1 and after this merger of defendant No.2 with defendant No.1, the only entity that exists is defendant No.1. Office is accordingly directed to delete/score of the name of defendant No.2 from the title in red ink.

In this banking suit, defendant No.1 is disclosed as main borrower whereas defendants No.3 and 4 as a guarantor for repayment of the loan amount. Today along with urgent application this compromise application is filed. This is entered into between plaintiff and defendants No.1 and 4 hence, without prejudice and notwithstanding any right of defendant No.3, this compromise is entered into. It provides extension of time for repayment of amount failing whereof it is contended that the plaintiff would initiate proceedings for such repayment against hypothecated/ mortgaged property. The application/ compromise is signed on behalf of plaintiff by authorized attorney where it is signed by defendant No.4 for self as well as on behalf of the defendant No.1 company, resolution of board of directors of which is also annexed as Annexure A/2 to the application. The compromise is otherwise within the frame of the plaint, though only between plaintiff and defendants No.1 and 4 and notwithstanding without prejudice to the rights of defendant No.3. The suit is accordingly decreed in terms of the compromise. Let the decree be drawn accordingly.

**Judge**