

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

1<sup>st</sup> Appeal No. **30** of 2018

Date	Order with signature of Judge
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**Disposed of Case**

*For orders on CMA No. 1156/2021.*

**31.05.2022:**

Appellant Muhammad Ameen present in person.

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Instant appeal was dismissed for non-prosecution vide order dated 24.01.2020, whereafter, restoration application [CMA No.605/2020] was filed, however, the same was also dismissed for non-prosecution vide order dated 19.04.2021 in the following terms:-

*“ Counsel for the appellant is called absent, no intimation is received. On the last date of hearing no one was in attendance on behalf of the appellant.*

*Instant appeal was filed against the order dated 02.11.2017 passed by the Banking Court No. III, Karachi in Execution No. 89 of 2002 in Suit No. 1774 of 2000, whereby application filed by the judgment debtor under section 12 of the Financial Institutions (Recovery of Finance) Ordinance, 2001 read with section 12(2) CPC was dismissed. Instant appeal was filed on 13.02.2018, however, thereafter the appellant did not remain vigilant to proceed with the matter, as on the first date of hearing on 30.08.2019 the matter was fixed in the Court, however, no body shown appearance on behalf of the appellant, thereafter, the matter was fixed in the Court on 19.12.2019 and 24.01.2020, on which dates also neither the appellant nor his counsel shown appearance and the appeal was eventually dismissed for non-prosecution. Thereafter application under order IX rule 9 CPC seeking restoration of appeal was filed, however, learned counsel for the appellant has not remained*

*vigilant to proceed with the matter, which depicts that the appellant has lost interest to proceed with the matter.*

*Accordingly, instant application is dismissed for non-prosecution.”*

Today, the appellant has shown appearance by filing instant application [CMA No.1156/2021] for setting aside orders dated 24.01.2020 and 19.04.2021, however, without explaining the reasons for not pursuing the appeal, which was filed on 13.02.2018, and the appellant and his counsel took no steps whatsoever to proceed with the case or obtain any order from the Court, nor appears to have secured the decretal amount.

Since, no valid ground for re-calling above orders has been raised, therefore, listed application is dismissed.

**J U D G E**

**J U D G E**

**A.S.**