

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-1860 of 2015

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

1. For orders on M.A. 10093/2015
2. For hearing of main case

09.08.2023

None present.

This petition challenges the order dated 27.07.2015 passed by the Banking Court-1 Hyderabad in Suit No.44/2011 u/s 12(2) CPC. A Banking Suit for the recovery of extended loan was filed which was contested by the proprietor of the petitioner by filing a leave application. The suit was consequently decreed and when the execution proceedings commenced it appears that an application u/s 12(2) CPC was filed which was dismissed in default whereas the grounds raised therein were not in consonance with the proceedings of the case. No ground of fraud arising out of section 12(2) CPC application was made out. Neither any appeal against the decree was filed nor such recourse u/s 12(2) CPC is permissible in view of the stated facts and circumstances of the case. Even this petition is an abused process of law challenging the order of the Banking Court-I Hyderabad passed on an application u/s 12(2) CPC when the petitioner himself failed to avail the recourse of an appeal against the judgment and decree of the Banking Court then these alternate recourse by filing an application u/s 12(2) CPC or by filing a direct petition against the order impugned cannot be allowed. Petition is dismissed in view of the above.

JUDGE

JUDGE