

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 C. P. No. D-3861 of 2024

Date	Order with signature of Judge
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FRESH CASE.

1. For orders on Misc. No.16891/2024.
2. For orders on Misc. No.16892/2024.
3. For orders on Misc. No.16893/2024.
4. For hearing of main case.

13.08.2024.

Mr. Nizamuddin Channa, Advocate for the Petitioner.

1. Urgency granted.
2. Exemption is allowed subject to all just exceptions.

3&4. The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution so as to impugn a letter dated 08.07.2024 issued by the House Building Finance Corporation Limited ("**HBFC**"), calling upon him to settle certain outstanding liabilities in terms of the findings of the Wafaqi Mohtasib (Ombudsman), Karachi dated 28.02.2024.

The backdrop to the matter is that the Petitioner is apparently the brother of the late Mrs. Shamim Shahid, wife of Dr. Muhammad Shahid, who had obtained a finance from the HBFC against a mortgage of Flat No.C/8, Top Floor, Block-3, Al-Karam Square, Liaquatabad, Karachi, with it being said that the same was subsequently the subject of an oral gift made by her in his favour. Following imitation of proceedings by the HBFC in terms of Section 15 of the Financial Institutions (Recovery of Finances) Ordinance 2001 in view of non-payment of the amounts due in respect of the finance, the Petitioner approached the learned Ombudsman, with the operative part of the Order made by him reading as follows:-

“3. Final hearing of this case was held on 13.02.2024. It was revealed that actual beneficiary of the loan has expired and one Mr. Muhammad Kamil claiming himself as a legal heir of the beneficiary has lodged this complaint. However in the final hearing Muhammad Kamil and representative of Agency appeared. Both parties mutually decided to recover the outstanding amount in six (06) monthly instalments. After clearance of dues, papers of the property will be released to the legal heirs of the deceased beneficiary of HBFC loan in question on production of succession ship certificate issued by a competent authority. Both parties subscribed their signatures on diary sheet of the case to this effect. Agency is advised to do the needful as indicated above within 30 days and report compliance.”

A perusal of the impugned letter dated 08.07.2024 reflects that it merely calls for compliance of the Order of the Ombudsman, which was evidently made by consent of the parties. Even otherwise, no representation against that Order has been made by the Petitioner before the competent forum. That being so, the Petition is found to be misconceived and stands dismissed accordingly along with the pending miscellaneous applications.

JUDGE

JUDGE

MUBASHIR