

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Ist Civil Appeal No. D – 40 of 2023

(M/S Pathana Service Station v. United Bank Limited & another)

Ist Civil Appeal No. D – 41 of 2023

(M/S Gambat Green City Filling Service Station v. United Bank Limited & another)

Ist Civil Appeal No. D – 42 of 2023

(M/S Kissan City Service Station v. United Bank Limited & another)

Present:

Mr. Zulfiqar Ahmad Khan, J.

Mr. Abdul Mobeen Lakho, J.

Date of hearing : **05.09.2024**

Date of decision : **05.09.2024**

Mr. Qurban Ali Malano, Advocate for appellants.

Mr. Fareed Ahmed Soomro, Advocate for respondent-bank.

ORDER

Zulfiqar Ahmad Khan, J. – These appeals have been filed by the judgment debtors against the orders of arrest passed by the Executing Court in Execution Applications No.389, 390 and 391 of 2022 on 05.08.2023, as allegedly, on account of the acts of the judgment debtors, the auction held on 03.07.2023 failed.

Learned Counsel for the appellants states that the judgment debtors have not caused any disturbance to the auction process, therefore, the allegation that auction failed on their account is not justified. Hence, the issuance of arrest warrants was illegal. He further states that the property is in the possession of the bank and they could always re-auction the same.

Learned Counsel for the bank states that these appeals are against the interlocutory orders, hence, not maintainable under Section 22 of the Financial Institutions (Recovery of Finances) Ordinance, 2001. Be that as

it may, he concedes that as long as the judgment debtors do not interfere into the process of re-auctioning of the property, the bank could proceed to have the property re-auctioned in accordance with the prescribed procedure, so that the decrees could be satisfied.

With the undertaking of the learned Counsel for the appellants / judgment debtors that they will not disturb the process of re-auctioning or harass the potential bidders or the decree holders, these appeals are **disposed of** with directions to the decree holder / Bank to re-auction the property as per the procedure prescribed.

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

J U D G E

J U D G E

Abdul Basit