

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
I.A. No. 53 of 2018

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| Date | Order with signature of Judge |
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1. *For orders on office objections*
2. *For hearing of main case*
3. *For hearing of CMA 1456 of 2018.*

29.04.2021

Mr. Danish Ghazi, Advocate for the appellant.
Mr. Khursheed Ahmed Qureshi, Advocate for respondent 2.
Mr. Muhammad Aminullah Siddiqui, Assistant Attorney General.

After hearing the learned counsel at some length, by consent, instant First Appeal is allowed in the following terms:

- i) The impugned order, whereby the learned Banking Court No.V at Karachi in Suit No.529 of 2007 has dismissed the application filed under Section 27 of the Financial Institutions (Recovery of Finances) Ordinance, 2001 read with Section 152 of the Civil Procedure Code, 1908, praying that this Court may set aside/modify the order dated 20.02.2016, to the extent "leave application is also granted in the present suit" is hereby set aside for the reason that leave to defend application filed by the respondent in the instant case was already dismissed vide order dated 11th December, 2009.
- ii) Since both the parties have filed suits against each other for declaration, rendition of accounts and damages as well as for recovery of amount, therefore, both the suits No.529 of 2007 filed by the appellant and Suit No.08 of 2014 filed by the respondent No.2, are consolidated. Both the parties may submit the consent issues within fifteen days from the date of this order where-after both the suits may be finally heard and disposed of in accordance with law.

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