

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-4893 of 2024

Date	Order with signature of Judge
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FRESH CASE.

1. For orders on Misc. No.21743/2024.
2. For orders on Misc. No.21744/2024.
3. For orders on Misc. No.21745/2024.
4. For hearing of main case.

09.10.2024.

Mr. Riaz Ahmed Phulpoto, Advocate for the Petitioner.

1. Granted.

2-4. The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution, impugning the Order made by the learned Banking Court No. II at Karachi on 24.09.2024 in Suit No. 15 of 2024, dismissing his Application under Order VI Rule 5 CPC seeking better and further particulars, and directing him to proceed for hearing of the Application for leave to defend the matter. A perusal of the record shows the Suit to have been instituted by the Respondent No.1, which is a “financial institution” within the contemplation of the Financial Institutions (Recovery of Finances) Ordinance, 2001, arraying the Petitioner as the sole Defendant with reference being made to him in the title as an employee along with a specified employee number, and it being pleaded that he had availed “finances” by way certain staff facilities, hence was a “customer”, with the the matter thus being brought within the parameters of the Ordinance and competence of the Banking Court. In his Leave to Defend Application, the Petitioner had apparently denied the relationship and resorted to the Application under Order VI Rule 5 CPC as, according to him, the Respondent No.1 did not adequately address the

point raised through its Replication. Having considered the matter, we are of the view that the petition is not maintainable. Even otherwise, the Banking Court has rightly considered and dismissed the Application while holding that the status of the Petitioner vis-à-vis the Respondent No.1 is a matter for determination on the Leave to Defend Application and no further Application of the nature preferred was liable to be entertained. As such, while granting the application for urgency, we hereby dismiss the Petition *in limine*, along with the other miscellaneous applications.

JUDGE

JUDGE

MUBASHIR