

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

I.A. No.110 of 2023

Date	Order with signature of the Judge
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Hearing Case (Priority).

1. For order on CMA No.357 of 2024.
2. For hearing of main case.
3. For hearing of CMA No.5871 of 2023.

09.02.2026

Mr. Ghulam Rasool Korai, Advocate for the Appellant.
Attorney of Respondent No.1-Muhammad Ali Khan is present in person.

This Appeal is preferred against the Order dated 17.11.2023 (at page-13), passed in Summary Execution No.03 of 2023, in which the decretal amount of Rs.545,000/- (*rupees five hundred forty five thousand only*), earlier directed to be deposited by the Appellant Bank in the Court vide earlier Order dated 16.09.2023, was affirmed, while dismissing the Application of Appellant, against the above direction.

Learned Counsel for the Appellant has referred to the Letter of Appellant Bank submitted before the Court and states that, it was a loan amount of the Respondent No.2 / Judgment Debtor (Asghar Ali), shown in the above Letter. States that the amount of Rs.858,905.80 (*rupees eight hundred fifty-eight thousand nine hundred five and eighty paise only*) was the outstanding balance, so also clearly stated in the above Correspondence.

The Respondent No.1, who is the Decree Holder, appears in person and opposes this Appeal and requests for its dismissal on the ground that the Appellant Bank has illegally settled its liability from the Bank Account of Son of Respondent No.2 / Judgment Debtor.

Heard arguments and record perused.

If any illegality is committed regarding settlement of the liability, the issue is between the Appellant Bank and Respondent No.2/Judgment Debtor. As per the above Letter / Correspondence, it is shown that the Respondent No.2 is liable to pay the amount (*ibid*) to the Appellant Bank, and the same cannot be made part of satisfaction of Decree in favour of Respondent No.1-Decree Holder. Consequently, the impugned Order is set-aside.

The Execution will proceed on its own merits. The Application of the Appellant will be re-heard.

Since the Judgment and Decree is in the field, therefore, the learned Executing Court will adopt any permissible mode for satisfaction of the Decree, including directing the concerned Senior Official / Director of the State Bank of Pakistan to disclose the Bank Account(s) of Respondent No.2-Judgment Debtor in other Bank(s). so also the District Registrar for making disclosure of any Immovable Property either owned or co-owned by the Judgment Debtor, so that the Decree can be satisfied in the shortest possible time.

This Appeal, with the above observations, stands disposed of along with pending application(s), if any, with no order as to costs.

JUDGE

JUDGE