

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. B-29 of 2024

Date	Order with Signature of Judge
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- 1. For hearing of CMA No.14992 of 2024.
- 2. For hearing of CMA No.14993 of 2024.
- 3. For order as to non-prosecution of CMA No.3128 of 2025.

14.01.2026

Syed Aijaz Hussain Shirazi, Advocate for the plaintiff.
Mr. Muhammad Salim Thepdawala, Advocate for defendant No.6.
Mr. Muhammad Yahya Zia Advocate, holding brief for
Mr. Muhammad Arshad Qaiser, Advocate for defendants No.1 to 5 & 7.

By this order, I will decide CMA No.3128 of 2025 (listed for orders as to non-prosecution) and CMA No.14992 of 2024. Before I could proceed with the hearing, counsel for defendant No.6/Mrs. Nilofer Haroon Bari waived notice of the said CMA No. 3128 of 2025, after which Counsel made submissions on both applications. Heard counsel.

Without prejudice to the rights of the parties and subject to all legal consequences, counsel for the plaintiff and defendant No.6/Mrs. Nilofer Haroon Bari, respectively, have “No Objection” to simultaneously (in no apparent order of hearing) allowing the CMA No.14992 of 2024 and CMA No.3128 of 2025 in the following terms:

- (1) The plaintiff/Faysal Bank Limited, has no claim against Mrs. Nilofer Haroon Bari as pleaded in the banking suit. Meanwhile, Defendant No.6/Mrs. Nilofer Haroon Bari has already filed her leave to defend application (CMA No.14992 of 2024). Accordingly, the said leave to defend application is allowed in favour of Mrs. Nilofer Haroon Bari in terms of the order passed today.
- (2) Application CMA No.3128 of 2025 is also allowed to the extent that Mrs. Nilofer Haroon Bari’s name and address are removed from the array of defendants in this banking suit. The name of “Mrs. Nilofer Haroon Bari” mentioned in the title of the plaint presented on 06.09.2024 as defendant No.6 is struck off and amended to read as “Mrs. Nilofer Naqi Bari” wife of “Muhammad Naqi Bari” whose name will be transposed as defendant No.6 in the amended title with summons to be issued, afresh to “Mrs. Nilofar Naqi Bari” in terms of the provisions of the Financial Institutions

(Recovery of Finances), Ordinance, 2001, to the same address as that given for the defendant No.2/her husband, Muhammad Naqi Bari.

- (3) The substitution of the defendant no.6 initially impleaded as defendant no.6 with another person is subject to all legal consequences and without prejudice to the rights of, and all defence(s) available to Mrs. Nilofer Naqi Bari as a consequence of the order passed today.
- (4) As a consequence of (1) to (3) above, the plaintiff/Faisal Bank Limited shall file an amended title of the plaint in terms of the order passed today within one week's time.
- (5) This order shall not prejudice the rights of any of the parties present before the Court today, including Mrs. Nilofar Haroon Bari's future claims, if any.

The CMA Nos.14992 of 2024 and 3128 of 2025 are disposed of in the above terms.

Adjourned to a date in office.

JUDGE

Asif