

ORDER SHEET  
**IN THE HIGH COURT OF SINDH,**  
CIRCUIT COURT, HYDERABAD.

1<sup>st</sup> Appeal No.D- 09 of 2023

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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1. For hearing of CMA 2047/2023.
2. hearing of main case.

14.04.2026.

Mr. Riazuddin Qureshi, Advocate for appellant.  
Mr. Imran Ali Borano, Advocate for respondent.

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Counsel for the appellant-customer submits that leave to defend application which had been filed by him within the statutory time limit was “dismissed in default and for non-prosecution” vide order dated 18.01.2023 passed by the Banking Court-II, Hyderabad in Suit No.218/2021. The said Banking Court without articulating any reason and/or giving its mind proceeded to pass a judgment and decree dated 18.01.2023 on the same date.

Counsel for the respondent-bank conceded that in the circumstances he would have no objection if this first appeal is remanded to the Banking Court to be decided afresh in accordance with law with opportunity of re-hearing of leave to defend application extended to the appellant-customer. Although the appellant-customer counsel has raised certain legal objections in this appeal against the said impugned judgment however given the background of dismissal of leave to defend application, we would prefer not to dilate on the same at this stage. Such issues are to be best addressed by the Banking Court, extending to the parties, the opportunity to whosoever may be aggrieved, to challenge such findings in appeal, if any.

In the circumstances, the impugned judgment and decree dated 18.01.2023 and leave to defend dismissal order dated 18.01.2023 are hereby set aside. The matter is remanded to the Banking Court to be taken up afresh

at the stage of hearing of leave to defend application with such leave hearing to be concluded within a period of one month from the date of receipt of this order giving opportunity of hearing to counsel. In the event, leave to defend is granted, the Banking Court may proceed in the matter normally sans any timeline as above. None of the observations made by us will be relied upon by any of the parties. Accordingly, the first appeal stands disposed of in the above terms along with listed application.

Office to ensure compliance.

JUDGE

JUDGE

Tufail