

IN THE HIGH COURT OF SINDH  
CIRCUIT COURT MIRPURKHAS

Constitutional Petition No. D-344 of 2025

*"Mumtaz Ali vs. The State"*

DATE	ORDER WITH SIGNATURE OF JUDGE
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*Present*  
*Justice Amjad Ali Bohio.*  
*Justice Dr. Syed Fiaz ul Hassan Shah.*

- 1. For order on M.A.No.1328/2025.
- 2. For order on office objection.
- 3. For order on M.A.No.1329/2025.
- 4. For hearing of main case.

26-05-2025.

Mr. Sikander Ali Kolachi advocate for the appellant.  
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ORDER.

Dr. Syed Fiaz ul Hassan Shah, J: The petitioner, being aggrieved from impugned Order dated 09-04-2025 passed in Execution No. 92/ 2024 (old Execution No.88/2022) by learned Judge, Banking Court Mirpurkhas, vide which application under section 151 CPC filed by the counsel for the petitioner for payment of decreetal amount in easy installments was dismissed.

Heard, file perused.

Per record petitioner obtained loan amount of Rs.12,64,500/= on 11-06-2014, which was not repaid by the petitioner, hence respondent No.2 (Manager NBP main branch Mirpurkhas) filed suit against petitioner, which was decreed vide judgment dated 31-03-2022. Thereafter, execution application was also allowed; however, the petitioner has not paid a single penny in return of loan amount which is outstanding and payable by the petitioner. The counsel for the petitioner has failed to point out any illegality or irregularity in the impugned order. The orders, as referred by

the counsel for the petitioner through statement dated 26-05-2025, are distinguishable as in those petitions execution was pending or some amount was deposited with Bank. However, the petitioner's case is quite distinct as execution has already allowed and no money has repaid by the petitioner. The learned Banking Court has already permitted the petitioner to deposit outstanding through impugned Order. Therefore, petition being devoid of merits is dismissed in limini alongwith pending applications. The petitioner is at liberty to approach Banking Court for repayments accordingly.

**JUDGE**

**JUDGE**

\*Faisal\*