

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

I.A. No. 21 of 2018

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Adnan Iqbal Chaudhry.

United Bank LimitedPetitioner

Versus

Tahir Masood.....Respondent

Date of hearing 05.10.2018

Mr. Ghulam Rasool advocate for the appellant.

Tahir Masood respondent is present a/w his counsel Mr. Majid Ali advocate.

Muhammad Ali Mazhar, J: This appeal has been preferred against the judgment and decree passed by the learned Banking Court No.V, Karachi in Suit No. 387/2017 wherein defendant bank (appellant) was directed to deposit original documents of vehicle Suzuki Liana LXI, registration No.APS-507 in court so that the same may be handed over to the plaintiff (respondent). In addition to these directions, learned Banking Court also granted damages in the sum of Rs. 40,000/- against the bank (appellant). The premise of this appeal is based on the notion that while granting damages no evidence was recorded by the banking court, however, learned counsel for the appellant admits that the original registration book and other documents of the vehicle have already been handed over to the respondent in compliance of the decree.

2. Learned counsel for the respondent has filed statement duly signed by the respondent himself in which it is clearly stated that the respondent agrees to forgo the amount of damages as granted by the banking court, however, a request has been made that NOC for the transfer of vehicle may be issued by the appellant in favour of the respondent so that the vehicle may be transferred in his name. Learned counsel for the appellant has also endorsed his no objection on this statement.

3. By consent of both the learned counsel, this appeal is disposed of accordingly, however, the NOC for the transfer of vehicle in the name of respondent will be submitted within seven (07) days to the Nazir of this court and the respondent may collect the same from the Nazir of this court on proper verification and identification. The decree is modified accordingly and R&P may also be returned back to the concerned court.

JUDGE

JUDGE