

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-5977 of 2019

Date Order with signature of Judge

Before:-
Mr.Justice Muhammad Ali Mazhar
Mr.Justice Arshad Hussain Khan

Tabinda KhanPetitioner

V/s

Faisal Bank
& anotherRespondents

27-10-2020

Mr.Latif-ur-Rehman Khan Sarvery and Mr.Aziz-ur-Rehman Khan Sarvery, Advocates for the Petitioner.
Mr.Ghulam Ali, Advocate for Respondent No.1 (Faysal Bank Limited)

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Muhammad Ali Mazhar, J: Learned counsel for the petitioner argued that the husband of deceased Nafees Ahmed Khan died intestate. The S.M.A. No.733/2017 was filed in the court of District and Sessions Judge, Karachi South and vide order dated 05.04.2018 the SMA was allowed and the petitioner was allowed to receive share in the amount lying in the accounts and also allowed to operate the locker mentioned in the order dated 5.4.2018. Thereafter one application was filed by the petitioner under Section 151 CPC in the court of District and Sessions Judge, Karachi in SMA No.733/2017 for directions to the bank to pay the amount of the deceased lying in foreign currency account as according to the petitioner's there are 02 accounts, one was in Pak Rupee and other was in foreign currency. The learned IIIrd Additional District Judge, Karachi South on this application vide order dated 22.04.2019 passed the order that

the bank may distribute the shares of the LRs in foreign currency as per their respective shares at its own discretion and could not be directed by this court in this regard.

2. Learned counsel for respondent No.1 (Faysal Bank Limited) submits that it is the petitioner, who has approached this court for such directions, otherwise, the bank has no issue to release the amount lying in foreign currency account. Learned counsel for the petitioner is satisfied to this statement. The petition is disposed of accordingly.

Judge

Judge

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