

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

1st Appeal No.112 of 2018

DATE

ORDER WITH SIGNATURE OF JUDGES

Before:-

Mr.Justice Muhammad Ali Mazhar

Mr.Justice Agha Faisal

Saleemuddin (deceased)

Through legal heirs.....Appellants.

Versus

United Bank Ltd. & othersRespondents

12.09.2019

Ms.Naheed A. Shahid, Advocate for the Appellants.

Shabana, Bilaluddin, Kanwal, Muhammad Owais Qureshi and Ayesha Appellants/legal heirs of Saleemuddin are also present.

Mr.Tufail H. Ebrahim, Advocate for Auction Purchaser/Respondent No.2.

Respondent No.2 Nadeem Ahmed Malik is also present.

Mr.Ghulam Rasool Korai, Advocate for the Respondent No.1 (U.B.L.)

Mr.Chander Parkash Guriro, Regional Manager Legal, United Bank Ltd. present.

Muhammad Ali Mazhar, J: Yesterday the appellant No.2 filed a statement duly signed by him and his counsel, which is reproduced as under:-

“STATEMENT

It is respectfully stated on behalf of the Appellants above named that the Appellants are ready and willing to pay and amount of Rs.5,000,000/= (Rupees Five Million only) as compensation and other expenses, to the Auctioneer Purchaser namely:- Nadeem Ahmed Malik / Respondent No.2, as full and final amount and further ready to pay Decratal amount alongwith cost of Fund collectively amounting to Rs.12,000,000/= (Rupees Twelve Million only), to Respondent No.1/ United Bank Limited, as full and final amount. The said Payment of Rs.5,000,000/= shall be paid to Respondent No.2, within Ten (10) working days from the date of the Order, and the amount of Rs.12,000,000/= shall be paid to Respondent No.1/ United Bank Limited within Fifteen (15) working days, from date of the Order. The present Appeal may be disposed off in the above terms thereof.”

2. Since the appellant No.1 and 3 to 5 were not present, therefore, we adjourned this case for today to confirm as to whether they agreed to this statement filed by Bilaluddin (Appellant No.2) who is son of appellant No.1 and brother of appellant No.3 to 5. The appellant No.1 and 3 categorically stated that they agreed with the statement filed by the appellant No.2. Muhammad Owais Qureshi has attained majority but not applied for CNIC, whereas the appellant No.5 is minor. We have gone through the application filed under order 32 Rule 1 and 2 CPC (CMA No.3604/2018), available on record, which was allowed vide order dated 11.12.2018 and in all fairness the appellant Nos.4 and 5 are being represented by guardian ad-litem Appellant No.1, who is their real mother and have no adverse interest against them.

3. According to the statement the appellants have agreed to pay Rs.50,00,000/- to the Auction Purchaser (Respondent No.2) within 10 working days from the date of this order and so far as the decretal amount along with cost of funds amounting to Rs.12 million is concerned, that will be paid to the respondent No.1 within 15 working days according to statement, but the learned counsel for the appellants requests that time may be extended upto one month. Mr.Chander Parkash Guriro, Regional Manager Legal, United Bank Ltd. is present and he concedes to this request.

4. As a result of above discussion, this 1st appeal is disposed of in view of this statement with the modification that the period is extended upto one month for the payment to Bank. The auction purchaser will be allowed to withdraw his bid amount from Banking Court, which will be paid to the Auction Purchaser by the Banking Court within 10 working days through cross cheque/pay order on proper verification and identification.

5. Both the amounts mentioned in the statement shall be deposited by the appellants with the Nazir of this court, thereafter, the Nazir shall release the amount to the Bank as well as to the Auction Purchaser on proper verification and identification through cross cheque/pay order within seven (07) working days.

6. At this juncture, the counsel for appellants submits that the amount deposited against decretal amount in the Banking Court shall be released by the Banking Court to the respondent No.1 after proper verification and identification. This aspect will be seen by the Banking Court and proper orders shall be passed for the payment of deposited amount to the Bank (Respondent No.1).

7. If the appellants will fail to deposit the amount within the specified period, the Banking Court shall execute the decree in accordance with law and the modalities settled in the order will deem to have been recalled automatically.

Judge

Judge

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