ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, <u>HYDERABAD</u>

1st Appeal No.D-23 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE

Before;
Mr. Justice Muhammad Shafi Siddiqui
Mr. Justice Irshad Ali Shah.

For orders on C.M.A. No.932/2022.
For orders on C.M.A. No.933/2022.
For orders on C.M.A. No.934/2022.
For hearing of main case.

19.04.2022

Mr. Pir Bux Bhurgri, Advocate for the appellant.
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1.   Urgency is granted.

2to4.   The facts in brief necessary for disposal of 1st Bank Appeal are that the appellant obtained loan for renovation of his house, from House Building Finance Company Hyderabad, which he failed to return; consequently a Suit for its recovery was filed by House Building Finance Corporation it was decreed by way of Judgment by learned Judge Banking Court No.II Hyderabad, which is impugned by the appellant before this Court by preferring the instant appeal.

It is contended by the learned counsel for the appellant that the appellant could not repay the loan as he was dispossessed from house and learned Banking Court was having no jurisdiction to have decreed the Suit against the appellant at the instance of respondent as it was not a Bank. By contending so, he sought for setting aside of the impugned Judgment and Decree.

Heard arguments and perused the record.

If for the sake of arguments, it is believed that the appellant was dispossessed from his house by someone, even then it may not have been a reason for him to have defaulted in return of the loan to the respondent. As per definition provided under Clause (a) to sub-section (i) to section 2 of Financial Institutions (Recovery of Finances Ordinance, 2001) "financial institution" means a company that being the position the respondent being Company was competent to have sought for recovery of loan, which it advanced to the appellant, by filing such suit, which has rightly been decreed by way of Judgment by learned Banking Court, well within its jurisdiction, which is not calling for interference by this Court by way of instant 1st Banking Appeal, it is dismissed in *limine* together with listed application.

J U D G E

J U D G E

Muhammad Danish*