

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

1st Civil Appeal No. D – 06 of 2021

(Zarai Taraqati Bank Ltd. Vs. Muhammad Ibrahim & another)

Before;-

Mr. Justice Muhammad Junaid Ghaffar

Mr. Justice Zulfiqar Ali Sangi

Date of hearing: 09-12-2021

Date of Judgment: 09-12-2021

Mr. Fareed Ahmed Soomro, Advocate for the Appellant-Bank

JUDGMENT

Muhammad Junaid Ghaffar, J;- None present on behalf of the Respondent No.1. Record reflects that the said Respondent/Defendant was also Ex-parte before the learned Banking Court. Through this Appeal, the Appellant has impugned the judgment dated 07-01-2021 passed by Banking Court No.II in Suit No.416/2019, whereby the Suit has been dismissed as being time barred.

2. Learned Counsel for the Appellant submits that the loan was disbursed on 17-08-2001, whereas, the last payment was made by the Respondent No.1 on 13-09-2007 and Suit was presented on 12-09-2019, which was a day before the expiry of limitation, however, the Banking Court was misdirected in observing that the Suit was filed on 19-09-2019. In support, he has placed on record true copy of the plaint which reflects that the plaint was verified and presented on 12-09-2019. He has also relied upon letter dated 16-09-2019 issued by the Banking Court No.I / Presiding Officer, distributing the cases amongst the Banking Courts, which has been addressed to Banking Court No.II and at Serial No.05 the instant Suit and its details are mentioned. If this letter was issued on 16-09-2019 then as to how the Suit has been termed as time barred being

presented on 19-09-2019, is unexplainable. Apparently the Banking Court has erred in dismissing the Suit.

3. From the perusal of the above submissions and the record, it appears that the Banking Court was not justified in dismissing the Suit on limitation, therefore, the impugned judgment is set-aside and the matter is remanded to the Banking Court to decide the same in accordance with law on merits and treat the Suit as within time. The instant Appeal is disposed of in the above terms.

Judge

Judge

ARBROHI