

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
1st Civil Appeal No. D – 10 of 2018

DATE

ORDER WITH SIGNATURE OF JUDGE

Fresh cases

For non-prosecution

Learned counsel for appellant has not complied with the office objections at flag 'A'
Notice issued to advocate

Learned counsel for appellant has not complied with the office objections 1,2 and
3 at flag 'A'

Statement dated 10.05.2018 filed as per office objections No.4, 5 and 6 flag 'A'
Notice issue to advocate

07.08.2018

Mr. Nisar Ahmed Bhanbhro Advocate for the Appellant

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This is the first appeal under Section 22 of Financial Institutions (Recovery of Finances) Ordinance 2001 in respect of an order passed under Section 151 CPC for verification of signature of the judgment debtor. The Suit was filed in the Banking Court-II at Sukkur which has its own procedure in terms of the Financial Institutions (Recovery of Finances) Ordinance 2001. Besides these facts, it was an executing Court where the subject application was filed and impugned order was passed. The Banking Court itself is governed by special statute and the appeals are being preferred under Section 22 of the Financial Institutions (Recovery of Finances) Ordinance 2001. Section 22 provides an appeal to an aggrieved person being aggrieved of judgment and decree, final order passed by Banking Court and may within 30 days of such judgment and decree and sentence of final order prefer an appeal to the High Court. Prima-facie, this not being the final judgment and decree that was passed by a competent Court, hence in terms of Section 22 of Financial Institutions (Recovery of Finances) Ordinance 2001, no appeal could have been filed. Without prejudiced to the above, the appellant seeks verification of the signatures through the executing Court by moving an application under Section 151 CPC, such mandate could hardly be enjoyed by an executing Court whereby he could travel beyond the decree. The competence of the executing Court insofar as the verification of the signature on the documents on the basis of which the decree was passed is concerned, was beyond its mandate, and hence the order impugned was lawfully passed by the executing Court and no appeal can be maintained. The appeal as such is dismissed.

JUDGE

JUDGE