

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No.2642 of 2021
[Abdul Rauf Khan v. Meezan Bank Limited and another]

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
------	-----------------------------------

1. For orders on CMA No.2096/2021 (If granted).
2. For orders on CMA No.2097/2023 (U/S 151 CPC).

.....

Dated 13.02.2023

Mr. Muhammad Haroon Shaikh, Advocate for the plaintiff.

.....

1. Urgency granted.

Learned counsel was enquired about the territorial jurisdiction of this Court to which he had no answer. Para-3 of the plaint reflects that defendant No.2 Kaleemullah is the Account holder of Meezan Bank Limited, District Khairpur Mirus and perhaps a cheque No.00000025 of HBL Bank of Rs.450,000/- dated 27.05.2021 issued by the plaintiff in the name of defendant No.2 was submitted at the said branch for encashment. It was perhaps returned with remarks that the cheque is fake. Aggrieved of it, defendant No.2 filed police complaint and filed Criminal Miscellaneous Application No.3132/2021 under Section 22-A(6) Cr.P.C arraying the plaintiff as proposed accused for issuing said fake cheque. Consequently, the Additional District Judge-II, District Khairpur Mirus dismissed the said application on 12.08.2021. In consequence of such order, plaintiff issued a legal notice to Meezan Bank, Civic Centre Branch, Khairpur Mirus and claimed damages to the tune of Rs.10 million which was responded and this suit was then filed before this Court.

When enquired, learned counsel however was unable to satisfy this court about territorial jurisdiction. The cheque was returned by the Meezan Bank Limited having branch at Civic Centre, District Khairpur Mirus and the Criminal Miscellaneous Application was also

filed before Additional Sessions Judge-II, District Khairpur Mirus. Legal notice was served upon Meezan Bank, Civic Centre Branch District Khairpur Mirus, hence for all intent and purposes the cause if at all triggered, it was within the local limits of District Khairpur Mirus and this Court has no territorial jurisdiction.

In view of the above, the plaint is returned to the plaintiff to enable him to avail the remedy before the Court having jurisdiction; the office to retain a set of pleadings before returning the plaint.

JUDGE

Ayaz Gul