

Order Sheet
IN THE HIGH COURT OF SINDH AT KARACHI
High Court Appeal No. 196 of 2017

Date	Order with signature of Judge
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1. For orders on office objection/reply at 'A'.
2. For hearing of main case.

17.11.2023

Mr. Abrar Ahmed, advocate for the appellant.
Mrs. Seema Waseem, advocate for the respondent.

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This appeal has been pending since quite some time and revolves around title documents of the property which was mortgaged in relation to a loan extended by the respondent Bank to the borrower. The suit against the respondent Bank was decreed on 12.05.1969. It is claimed that on 16.05.2011 Bank Officer agreed to return the title documents of the mortgaged property, which order is available on record at page No.39. Counsel submits that under the incentive scheme the appellant has cleared all the outstanding dues of the bank and nothing is recoverable by the bank and nothing is payable by the borrower. The only controversy is now whereabouts of the title documents. The appellant claimed that they deposited certain title documents with the bank out of which four title documents are listed in the application bearing CMA No.11697/2010 (decided on 16.05.2011) available on record at page No.41. He has made efforts to persuade the bank or perhaps to obtain a duplicate set of the title documents, which is not accepted by the bank as there is no lien over the property as the loan amount has already been settled. A statement of the attorney of the bank was also available on record at page No.49 which shows that some efforts were made by the bank officer when he attempted to obtain records and he could not find or trace such title documents. Be that as it may, there is nothing in this appeal wherein an order with regard to the loss of title documents could be passed. The applicant is however at liberty to avail appropriate remedy in any court which he may deem proper. Since no interference is required, the appeal is dismissed accordingly.

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