

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Suit No.B-14 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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1. For orders on CMA No.1782/2023 (U/A if granted).
 2. For orders on CMA No.1783/2023 (U/O 23 R-3 CPC).
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Dated 06.02.2023

Ms. Heer Memon, Advocate for the plaintiff along with Mr. Jawad Talat Shaikh, Area Manager and Mr. Muhammad Qasim Ali, Relationship Manager of plaintiff bank.

Sardar Faisal Zafar, Advocate for defendants along with Ms. Mariam Kamran defendant No.1 for self and attorney of other defendants.

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1. Urgency granted.
2. This is an application under Order XXIII Rule 3 CPC which seeks a compromise decree on the terms of the agreement between them that is bank and the legal heirs of Kamran Elahi, proprietor of Elahi Electronics, who availed finances from the plaintiff bank in pursuance of properties mortgaged. The compromise disclosed in the settlement agreement is attached as annexure "C" which seems to be lawful and within the frame of the suit. On behalf of defendants/the legal heirs of Kamran Elahi, Ms. Mariam Kamran has signed the compromise application for herself as well as on behalf of other legal heirs as their attorney and the original special power of attorney is also provided to the Court today which is taken on record. The application is allowed. Let the decree be drawn in terms of such compromise application.

JUDGE



COMPROMISE DECREE

IN THE HIGH COURT OF SINDH AT KARACHI
(Civil Original Jurisdiction)

SUIT NO. B-14 OF 2020

BANK ALFALAH LIMITED

A banking company duly
incorporated under the laws of
Pakistan and having its registered
Office at B.A Building,
I.I Chundrigar Road, Karachi.
Through its duly appointed attorney

..... PLAINTIFF

Versus

1. MS MARIAM KAMRAN

House No. 353 D, Phase 5,
DHA Lahore.

2. MR. USMAN ELAHI

House No. 353 D, Phase 5,
DHA Lahore.

3. MS. NAIMA SHOAIB

House No. 23/1-E,
Model Town, Lahore.

4. MS. KHATIJA ELAHI

House No. 353 D, Phase 5
DHA Lahore.

..... DEFENDANTS

SUIT FOR RECOVERY OF PKR 627,539,723.93/- ALONG WITH
COST OF FUNDS AND ATTACHMENT AND SALE OF
MORTGAGED ASSETS UNDER SECTION 9 OF THE FINANCIAL
INSTITUTIONS (RECOVERY OF FINANCES) ORDINANCE, 2001.

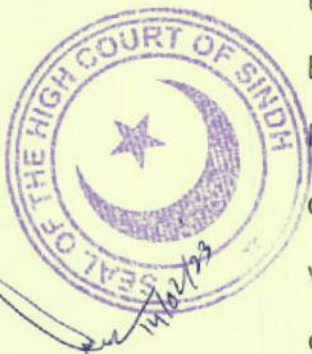


WHEREFORE, it is respectfully prayed that this Hon'ble Court be pleased to pass a judgment and decree against the Defendants jointly and severally in favor of the Plaintiffs as follows:-

- a) For a sum of PKR 627,539,723.93/- with cost of funds at the rate fixed by the State Bank of Pakistan from the date of default till realization;
- b) For attachment and sale of the Mortgaged Properties reflected in Paragraph 5 & 6 of the Plaint and payment of the sale proceeds towards adjustment of the Plaintiffs claim in the present Suit.
- c) Costs of Suit.
- d) Any other relief that this Hon'ble Court may deem fit and proper in the circumstances of the case.

This Suit came up on 06th day of February 2023 for orders before Hon'ble Mr. Justice Muhammad Shafi Siddiqui, in the presence of Ms. Heer Memon, Advocate for the plaintiff along with Mr. Jawad Talat Shaikh, Area Manager and Mr. Muhammad Qasim Ali, Relationship Manager of plaintiff bank. Sardar Faisal Zafar, Advocate for defendants along with Ms. Mariam Kamran defendant No. 1 for self and attorney of other defendants.


This is an application under Order XXIII Rule 3 of CPC being CMA No. 1783 of 2023 which seeks a compromise decree on the terms of the agreement between bank and the legal heirs of Kamran Elahi, proprietor of Elahi Electronics, who availed finances from the Plaintiff bank in pursuance of properties mortgaged. The compromise disclosed in the settlement agreement is attached as annexure "C" which seems to be lawful and within the frame of the suit. On behalf of defendants/the legal heirs of Kamran Elahi, Ms. Mariam Kamran has signed the compromise application for herself as well as on



behalf of other legal heirs as their attorney and the original special power of attorney is also provided to the Court. The application is allowed and it is hereby ordered that the Suit is decreed in terms of compromise application.

(True copy of the compromise application is annexed herewith and deems to be part of the decree).

Given under my hand and the seal of the Court this 14th day of February, 2023.

14/02/23
ASSISTANT SEALER:
The seal of the High Court of Sindh is circular, featuring a crescent moon and a five-pointed star in the center. The text "SEAL OF THE HIGH COURT OF SINDH" is inscribed around the perimeter of the seal.

18/2/23
J U D G E