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ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Suit No.B-26 of 2006


Date _____ Order with signature of Judge _____

For orders on CMA No.4576/16

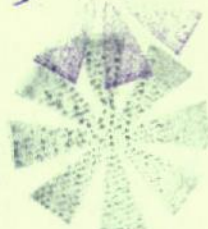
22.40.2016

Shaikh Sarfraz Amin and Shaikh Imtiaz Amin the
plaintiffs No.2 and 3 are present in person
Mr. Aijaz Shirazi for defendant
.x.x.x.x

This is an application for unconditional withdrawal of the suit.
The plaintiffs No.2,3 and 4 ^{were} ~~are~~ partners of plaintiff No.1 whereas
plaintiff No.4 has retired from the partnership of plaintiff No.1 and
presently the firm is run by plaintiffs No.2 and 3 who have filed this
application for withdrawal of the suit supported by the affidavits.
Since it is unconditional withdrawal of the suit as they claimed to
have amicably settled the matter outside the Court, the application is
allowed and the suit is dismissed as withdrawn with no order as to
cost along with pending applications, if any.


Judge

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DECREE

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No.B-26 of 2006

1. M/s. International Chrome Tannery,
A Partnership Firm Registered under the
Partnership Act carrying on business at
Plot No.22, Sector 7-A, Korangi Industrial
Area, Karachi.
2. Mr. Shaikh Sarfraz Amin S/o Mr. Shaikh Muhammad
Amin, Muslim, adult, carrying on business at
Plot No.22, Sector 7-A, Korangi Industrial Area,
Karachi.
3. Mr. Shaikh Imtiaz Amin S/o Mr. Shaikh Muhammad
Amin, Muslim, adult, carrying on business at
Plot No.22, Sector 7-A, Korangi Industrial Area,
Karachi.
4. Mst. Kausar Jabeen D/o Shaikh Muhammad Amin,
Muslim, adult, Plot No.22, Sector 7-A,
Korangi Industrial Area,
Karachi.

Plaintiffs

VERSUS

United Bank Limited,
A Banking Company incorporated in Pakistan,
Head Office 8th Floor, State Life Building No.1
I.I. Chundrigar Road, Karachi and a Branch
known as Bunder Road Branch,
Karachi.

Defendant

**SUIT FOR DECLARATION, MANDATORY INJUNCTION,
REDEMPTION OF MORTGAGE AND RECOVERY OF
DAMAGES UNDER FINANCIAL INSTITUTIONS
(RECOVERY OF FINANCES) ORDINANCE, 2001**

The Plaintiffs pray for Judgment and decree against the Defendant as


under:-

- a) Declaration that the demand of the Defendant contained in its Letter dated 16.08.2004 (annexure "G" hereto) is illegal, uncalled for and unauthorized and the plaintiffs are not liable to pay any amount to the Defendant.
- b) Declaration that the Defendant is illegally and unauthorizedly withholding the documents mentioned in paras 5 and 6 of the plaint.



2-7/9/08

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- c) Declaration that the Defendant is liable to return the documents mentioned in paras 5 and 6 of the plaint to the Plaintiffs.
- d) Declaration that the immovable property i.e. Plot No.22 Sector 7-A, measuring about 2666.66 square yards, situated at Korangi Industrial Area, Korangi, Karachi is free from mortgage, charge and encumbrance.
- e) Mandatory injunction directing the Defendant to return the documents mentioned in paras 5 and 6 of plaint to the plaintiffs.
- f) Mandatory injunction directing the Defendant to execute and present for registration the Deeds of Redemption of Mortgage and Additional Mortgages mentioned in para 6 of the plaint.
- g) Mandatory injunction directing the Defendant to release the Hypothecation on the stock of the plaintiffs.
- h) Decree for Rs.99 Million against the Defendant.
- i) Costs of the suit may be allowed to the Plaintiffs.

The suit coming up on this 28th day of August, 2008 and 6th day of September, 2008 for hearing before Mr. Justice Arshad Noor Khan and lastly on 10th day of September, 2008 for announcement of Judgment before Mr. Justice Khalid Ali Z. Qazi, in the presence of Mr. Amanullah Khan, Advocate for the Plaintiffs and none was present for the Defendant; it is hereby ordered that the Defendant's application under Section 10 of the Ordinance, 2001 (CMA No.6166/2006) be and is hereby dismissed being barred by limitation and the suit of the Plaintiffs be and is hereby decreed to the extent of redemption of all the original title documents deposited by the Plaintiffs and mortgaged by the Defendant.

It is hereby further ordered that suit in respect of damages claimed by the Plaintiff against the Defendant could not be decreed summarily without recording the evidence, as such the suit claiming the damages by the plaintiff against the defendant will remain pending for disposal, in accordance with law.

Given under my hand and the seal of the Court this 10th day of September, 2008.

ASSISTANT SEALER:

Handwritten signature and date:
27/9/08

Handwritten signature and date:
27/9/08
JUDGE

