

**LL.M Thesis**

**THE SPECIAL JURISDICTION OF BANKING COURT IN  
PAKISTAN, CONFLICTING PROCEDURES AND PROPER  
REMEDIES IN DISPUTES PERTAINING TO RECOVERY OF  
FINANCES, UNDER FINANCIAL INSTITUTIONS (RECOVERY  
OF FINANCES) ORDINANCE, (XLVI OF 2001)**



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## **Abstract**

The Financial Institutions (Recovery of Finances) Ordinance, 2001 has been enacted for the purposes of recovery of loans, advances, credits and finances and prescribes a summary procedure to fulfill the purpose. By providing speedy measures for recovery of outstanding loans of Banking Companies as the recovery suits remained pending in Civil Courts for years together. It aims at to provide single forum to the Banks for the recovery of their loans from the customers and likewise to the customers to approach the same Court if they have any grievances against the Bank.

In the light of a number of precedents such as 2008 CLD 186, the Ordinance of 2001 being a special law, every provision contained therein has to be strictly construed and meticulously adhered to. It is a special law enacted for the resolution of disputes between the customer and the financial institution. Courts established under the Ordinance enjoy the jurisdiction of Civil and Criminal Courts. Despite such clarity of legislation and availability of forum of speedy relief, practically a vast majority in the legal arena is unable to get effective relief through this forum. The main reasons of this aspect of banking litigation are legally analyzed stage through this extensive research work and are addressed in detail with effective reasoning and binding expressions of the Superior Courts, which will prove to be a healthy addition in covering the grey areas between the theory and practice in modern Banking Court's litigation in Pakistan.

## List of Abbreviations

Amendment Act.....	Financial Institutions (Recovery of Finances) (Amendment) Act, 2016
BCA.....	Banking Companies (Recovery of Loans, Advances, Credits and Finances) Act, 1997
BCO.....	Banking Companies (Recovery of Loans) Ordinance, 1978
BTO.....	Banking Tribunal Ordinance
CPC.....	The Code of Civil Procedure, 1908
CrPC.....	The Code of Criminal Procedure, 1898
FIR.....	First Information Report
FIO.....	Financial Institutions (Recovery of Finances) Ordinance, 2001
PPC.....	Pakistan Penal Code, 1860

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