

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

1st Appeal No.S-57 of 2026.

1st Appeal No.S-58 of 2026.

1st Appeal No.S-59 of 2026.

DATE

ORDER WITH SIGNATURE OF JUDGE

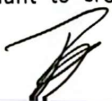
23.09.2026.

Mr. Faisal Ali Raza Bhatti, Advocate for Appellant (Rehan Ahmed Siyal) in all Appeals.

Mr. Imtiaz Ali Abbasi, Advocate for Respondent (Imam Bux) in all Appeals.

JAWAD AKBAR SARWANA, J.:- The Appellant (Rehan Ahmed Siyal s/o Ghulam Rasool Siyal) is aggrieved by the three Judgments dated 10.07.2026 passed by the 7th Additional District Judge, Hyderabad ("trial court") in three Summary Suits, namely (A) Summary Suit No.120 of 2025 concerning cheque No.00002484 dated 21.08.2025 for Rs.25,623,333/- drawn on MCB Islamic Bank Ltd., Wadhu-Wah Road, Qasimabad Branch, Hyderabad; (B) Summary Suit No.252 of 2025 concerning cheque No.00002486 dated 21.08.2025 for Rs.25,623,333/- drawn on MCB Islamic Bank Ltd Wadhu-Wah Road, Qasimabad Branch, Hyderabad; and (C) Summary Suit No.01 of 2026 concerning cheque No.00002487 dated 21.11.2025 for Rs.26,314,334/- drawn on MCB Islamic Bank Ltd Wadhu-Wah Road, Qasimabad Branch, Hyderabad - all three aforementioned cheques were allegedly dishonored, and all three Summary Suits filed by Imam Bux s/o Ghulam Hyder Birmani (respondent/ plaintiff) were allowed and decreed against the appellant/defendant.

Counsel for the appellant/defendant contends that, after the leave to defend applications were allowed, the matter proceeded to cross-examination of the plaintiff, yet, the trial court did not give the appellant/defendant an opportunity to cross-examine the plaintiff and his witnesses, closed the plaintiff side, and even though the appellant/defendant had filed an application under Order 18 Rule 17 read with Section 151 C.P.C seeking orders to allow the appellant/defendant to cross-examine the plaintiff and his



witnesses, yet the trial Court dismissed the application vide order dated 10.07.2026 in all three Summary Suits and proceeded to pass the impugned Judgment and Decree against the appellant/defendant in each of the three summary suits. Counsel for the appellant/defendant pleads a right of hearing and that the Judgment and Decree ought to be set aside to enable the appellant/defendant to cross-examine the plaintiff and the plaintiff's witnesses.

Heard counsel. It is now a trite proposition of law, enunciated by the Superior Courts across Pakistan, including this High Court of Sindh at Circuit Court, Hyderabad, in several judgments/orders passed this year (2026), relying on the judgment of Pestonji Shapurji Narelwalla Vs Jamshedji Nowroji Gamadia (AIR 1926 Bombay 250) and the Supreme Court of Pakistan in the decision reported as Umer Khan Vs. Haji Musa Jan (2009 SCMR 1101), that once the Court has directed the defendant to file the written statement, no further rights are created in favour of the defendant in the event that the defendant does not comply with the conditions of the leave-granting order. In the instant case, (A) in Summary Suit No.120/2025 the appellant/defendant was granted leave to defend on 15.05.2025 with directions to furnish surety in the sum of Rs.10,000,000/- which amount was reduced to Rs.8,000,000; (B) in Summary Suit No.252/2025 the appellant/defendant was granted leave to defend on 23.01.2026 with directions to furnish surety in the sum of Rs.5,000,000/-; and (C) in Summary Suit No.01/2026 the appellant/defendant was granted leave to defend on 20.02.2026 with directions to furnish surety in the sum of Rs.5,000,000/- as well as PR Bond in the like amount to the satisfaction of the trial court within 15 days. However, the record reveals that the appellant/defendant did not fulfil the conditions of the leave-granting order, after which the appellant/defendant was debarred from filing the written statement in Summary Suits (A) on 20.02.2026, (B) on 03.02.2026, and (C) on 31.03.2026. As per paragraph No.8 of the impugned judgment, no documentary evidence was available to rebut the claim put up by the plaintiff/respondent against the appellant/defendant, and the summary suits based on the dishonoured cheque, supported by the memo of dishonourment of the bank, went unrebutted, and, in the circumstances, the



learned Additional District Judge-VI/MCAC-II, Hyderabad, passed the impugned judgment and decree in the three summary suits.

Given the authorities cited above, the appellant/defendant had no vested right to cross-examine the plaintiff in the facts and circumstances of the case when he did not fulfil the condition of the leave-granting order. As per the aforementioned case law, such right of hearing accrues after the passing of the decree under Order 37 Rule 4 CPC, including, but not limited to, the challenges available to the judgment-debtor against the enforcement of the decree under Order 21 CPC. In the present case, the trial Court, contrary to law, in its own wisdom, nevertheless extended time, several times, to the appellant/defendant to cross-examine the respondent/plaintiff, but the appellant/defendant did not avail the same, entirely to his detriment, multiple times (see paragraphs 5 and 6 in all three impugned Judgments in the Summary Suits).

In view of the above, no case is made out for setting aside the impugned Judgment and Decree passed in the three Summary Suits. There is neither any irregularity nor illegality in the same. Consequently, these three First Appeals are dismissed for the above reasons along with pending application(s), if any.