

Order Sheet**IN THE HIGH COURT OF SINDH AT KARACHI****Revision Application No.199 of 2024**

Usama Ahmed Applicant

Versus

Shahbaz Batt Respondent

Hearing/Priority

1. For hearing of CMA No.11199/2024
2. For hearing of main case.

Mr. Muhammad Jamshed Arshad, Advocate for the
Applicant along with Applicant.
Mr. Ahmed Khan Khaskheli, AAG

Date of Hearing: 22.05.2025

Date of Order: 22.05.2025

ORDER

Instant Revision application has been filed against the Impugned order dated 04.12.2024, passed in Summary Suit No.42/2024 by the XII Additional District & Sessions Judge, Karachi East, whereby, the learned trial Court was pleased to allow the leave to defend application preferred by the said Applicant. However, the said application was allowed subject to condition of deposit of Rs.6.5 million. Learned counsel for the Applicant has stated that the leave to defend application ought to have been granted unconditionally as he has made out a case and shifted the burden to the Respondent. Learned counsel further stated that the condition imposed in the Impugned order cannot be satisfied by the Applicant, as the majority of the payment has already been made by him. Therefore, he does not have the financial capacity to deposit the amount as stipulated in the Impugned order.

2. Instant Revision Application was presented on 13.12.2024, wherein, notices were directed to be issued to the Respondent vide order dated 02.01.2025. Thereafter, the matter came up on several dates for hearing and notices were repeated on the Respondent vide order dated 16.04.2025 for today. However, no one has affected appearance on behalf of the said Respondent. Instant Revision Application is being adjudicated with the assistance of the learned counsel for the Applicant.

3. I have heard the learned counsel for the Applicant and perused the record. I have also examined the orders, more particularly, the Impugned order passed by the learned trial Court. I agree with the contention of the learned counsel for the Applicant, after examining the contents of the leave to defend application, that he has shifted the burden upon the Respondent and in that respect, I find that the condition imposed in the Impugned order cannot possibly be met by the Applicant. In the given circumstances, the Impugned order is modified to the extent that the surety to be deposited by the Applicant, shall be to the extent of Rs.500,000/- (Rupees Five Lacs only). The Applicant, who is present in Court today, has stated that he will deposit the documents of Car, Charade Model 1994, bearing Registration No.H-0237, the same is valued for more than the amount stipulated above. The learned trial Court is directed to accept the surety of the Applicant after due verification and valuation of the vehicle. If the valuation is found to be under the amount stipulated above, the learned Trial court shall direct the Applicant to furnish further surety.

Instant Revision Application stands disposed of in the above term along with listed application.

J U D G E