

**THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.**

Present:
Justice Jawad Akbar Sarwana

R.A.No. 165 of 2025

1. For orders on CMA 2789/2025.
2. For hearing of main case.

Applicant : Muhammad Hammad s/o Muhammad Aslam
through Mr. Muhammad Tahir Ali, Advocate.

Respondent : Maqbool Ahmed s/o Abdul Qayoom. **Nemo.**

Date of Hearing : 11.12.2025
Date of Order : 11.12.2025.

ORDER

JAWAD AKBAR SARWANA, J: Learned counsel for the applicant/plaintiff, Muhammad Hammad contends that after the Court granted conditional leave, the respondent/defendant failed to fulfill the condition of submission of surety within the time frame prescribed by the 7th Additional District Judge, Hyderabad in the Summary Suit No.208/2024 filed by him. Thereafter, when the Court was proceeding exparte against the respondent/defendant the latter, filed an application under Order 9 Rule 7 CPC seeking extension of time on the ground that he did not have the financial resources to submit such solvent surety. The learned 7th Additional District Judge, Hyderabad granted time to the respondent/defendant for the reason that he is from the labour class and running a Samosa and Roll vendor business. Respondent/defendant was directed to submit the surety on the date of passing of the impugned order dated 13.09.2025 and as per

Counsel for the applicant/plaintiff, the respondent has already submitted such surety in this lis and also filed Written Statement.

Heard Counsel. The matter is currently pending trial. There is no cavil which prohibits the trial Court from modifying its orders varying the terms of the condition of leave to defend provided sufficient cause is made out and cogent reason is given for such modification by the Court. I have perused the record and do not find that any prejudice will be caused to the applicant/plaintiff if the amount to be paid to the applicant/plaintiff based on the dishonoured cheque is securitized by way of deposit a solvent surety. Indeed the deposit of surety will be to the advantage of the applicant/plaintiff and safeguards his interest. The reasons for extending time to the respondent/defendant appears to be reasonable and is not arbitrary. In the circumstances, the parties should proceed with the summary proceedings rather than hold the trial hostage on technicalities such as the subject matter of this revision. Accordingly, I do not find any defect in the impugned order dated 13.09.2025 and this Revision Application is dismissed for the above reasons alongwith pending application.

JUDGE

Tufail