

*Order Sheet*  
IN THE HIGH COURT OF SINDH KARACHI  
**Ist Appeal No. 01 of 2023**

Date	Order with Signature of Judge
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For order as to non-prosecution

**19.01.2026**

None present

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The appellant/Ghulam Ali/defendant in Summary Suit 48/2019 is aggrieved by the judgment and decree dated 13.12.2022 passed by learned IXth Additional District Judge Karachi East. Apart from first date of hearing, no attendance has been put in by counsel for the appellant since date of institution. The matter is pending for non-prosecution for last several dates of hearing. Based on perusal of documents, it appears that defendant/Ghulam Ali/ appellant issued cheques which were dishonoured. According to documents available in the Ist Appeal, two dishonoured cheques first bearing No.1646645031 dated 05.11.2018 in the sum of Rs.300,000/- and another dishonoured cheque bearing No.1646645034 dated 05.11.2018 in the sum of Rs.571,000/- were dishonoured and exhibited alongwith dishonoured memo during recording of evidence. Respondent No.1/plaintiff also examined his witnesses and the matter was contested by the appellant/defendant as well. Based on the evidence available, the suit filed by the respondent/Muhammad Ramzan/plaintiff was dismissed and allowed to the extent of Rs.21,000/- against the appellant/defendant along with mark up at the rate of 6% per annum from the date of institution of summary suit. The IXth Additional District Judge Karachi East found that out of the sum of Rs.871,000 (Rs.300,000/- + Rs.571,000/-), the defendant/appellant has paid Rs.850,000/. On 23.05.2023, the appellant/defendant was directed to deposit the decretal amount of Rs.21,000/-, which is yet to be complied. Although notices have not been issued to the respondent/plaintiff but it does not appear based on the record that respondent/plaintiff who was not awarded entire decretal amount has challenged the impugned judgment.

In the circumstances, I do not find any defect in the impugned judgment and dismiss this Ist Appeal with the caveat that in case the respondent/plaintiff has filed an independent challenge to the impugned judgment in separate Ist appeal, then the same will be heard and decided independently after hearing the parties without prejudice to the observations made herein.

Ist Appeal is dismissed in the above terms.

J U D G E

Ashraf

