

IN THE HIGH COURT OF SINDH AT KARACHI

Civil Revision Application No.82 of 2025
(Mst. Nadia Kareem vs. Ihsan Ali)

Date	Order with Signature of Judge
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Direction

For order as to maintainability of revision application

21.01.2026

None present for the applicant.

Jawad Akbar Sarwana, J. Applicant-Mst. Nadia Kareem who is the spouse of the defendant-Kareem son of Abdul Hameed in Summary Suit No.64 of 2025 has filed this Civil Revision Application No.82 of 2025 challenging the order dated 16.05.2025 passed by the Xth Additional District Judge, Karachi, South, in the aforesaid Summary Suit granting her husband / defendant leave to defend conditionally subject to furnishing surety / security amount in the sum of Rs.62,50,000/- within a period of one month. It is the applicant's case that as her husband / defendant-Kareem is incarcerated, hence the defendant does not have the resources to arrange the surety / security mentioned in the conditional leave to defend granting order passed by the Xth Additional District Judge, Karachi, South. Court notices have been effected on applicant's cell phone via whatsapp as per bailiff's report too, but none have appeared on behalf of the applicant on 14.01.2026 and, once again, today (21.01.2026). No intimation is received except on 24.06.2025 when the applicant was present in person and her counsel filed vakalatnama.

2. I have perused the impugned order and documents available on record. The plea submitted by the applicant in the memo of the Revision regarding the lack of resources to meet the requirement of furnishing security in the sum of Rs.62,50,000/- within a period of one month on the part of her husband / defendant allows a grace of 30 days to arrange for surety / security. Further, the

Xth Additional District Judge, Karachi, South, in the leave granted conditional order extended any one of two modes to the defendant / husband, i.e. (i) surety; and, (ii) security. This generous extension of time of one (01) month coupled with option as to type of security to be submitted to be of the choice of the defendant / husband does not appear to be unduly harsh. In the facts and circumstances of the case, it provides reasonable time to the applicant and her husband (defendant–Kareem) to meet the conditions of the leave granting order without prejudicing the right of defence. Notwithstanding the foregoing, the challenge with regard to the capacity of the defendant to comply with the said order is subject to the provisions of Order XXXVII CPC and capacity is not a criterion within the framework of Order 37 CPC at the time of passing a leave granting order. I do not find the impugned order to be arbitrary or having any defect which would mandate intervention by this Court notwithstanding that this revision is filed by the spouse of the defendant / husband. She has not filed this revision on behalf of her husband nor on any authority given by the husband to file such revision. She has challenged the order independently and approaches this Court as a stranger to the summary proceedings. On this score, too, this revision is liable to be dismissed as well.

3. Given the above, the Revision Application is hereby dismissed.

JUDGE

Asif