

**HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD****R.A No.S-49 of 2026.***(Altaf Uddin Vs Naik Muhammad)*

**Applicant** : Altaf Uddin **through** Mr. Faisal Yousuf, Advocate.

**Respondent** : Naik Muhammad **through** Mr. Rashid Wassan, Advocate.

**Date of hearing** : 27.04.2026.

**Date of Decision** : 27.04.2026.

**ORDER**

**Syed Fiaz ul Hassan Shah, J:-** Through this Civil Revision Application, the Applicant has impugned the Order dated 17.02.2026 passed by learned 5<sup>th</sup> Additional District Judge, Hyderabad in Summary Suit No.227 of 2025 filed by Respondent (Naik Muhammad) against Applicant, whereby leave to defend Application filed by Applicant was granted conditionally while putting condition that the Applicant will furnish the surety i.e. Rupees 1.2 Million.

2. Learned counsel for the Applicant states that an amount of Rs.450,000/- was obtained as a loan from Respondent for treatment of his wife while the Applicant handed over his ATM card to the Respondent for repayment of said loan amount while authorizing the Respondent to en-cash the amount towards repayment of loan and so far the applicant has realized Rs.515,000/- which over and above the total outstanding loan amount. In support of his contention, the learned Counsel for the Applicant relied upon the Bank statement<sup>1</sup> and contended that in paragraph No.9 of the objection, the Respondent has admitted repayment and has not denied the passing over the ATM card of the Applicant to the Respondent as a promise to the repayment.

3. On the other hand, learned counsel for Respondent vehemently opposed the contentions raised by learned counsel for Applicant and stated that the Applicant is habitual and he has defrauded many citizens and the

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<sup>1</sup> Available at page # 49 of Court file.

order passed by the learned Trial Court was in accordance with law and does not require any interference by this Court.

4. Heard learned counsel for parties and perused the material available on record with their assistance.

5. I find no substance in the contention raised by the learned counsel for the Applicant that the Respondent, in his pleadings, has admitted repayment of the loan amount through withdrawals made using the Applicant's ATM card, or that the Applicant had handed over the said ATM card to the Respondent for the purpose of withdrawing cash towards repayment of the loan. For convenience, the contents of paragraph No. 9 are reproduced below:

*"That the defendant has also leveled false allegation against the plaintiff that the defendant has given ATM pension card through which the plaintiff was withdrawing the amount even in excessive amount was withdrawn by the plaintiff but the statements which has annexed with the leave to defendant does not prove that the amount was actually withdrawn by the plaintiff or by the defendant, as the defendant is imposing such amount upon the plaintiff by using his such bank statements. As the defendant has no authentic evidence to prove that the amount was being withdrawn by the plaintiff through ATM card."*

6. It is evident that the Respondent has not only categorically denied repayment of the loan but has also emphatically refuted possession of the ATM card allegedly handed over by the Applicant. Moreover, the Applicant has failed to produce any receipt issued by the Respondent for the partial or full repayment in respect of the loan amount. No documentary evidence produced to substantiate the claim that the ATM card was delivered to the Respondent for repayment purposes. Mere oral assertions by the Applicant that he entrusted his ATM card to the Respondent are insufficient to establish such a fact. Even otherwise, the contention that a debtor would hand over his personal ATM card to the creditor for unrestricted use of his banking facility is inherently implausible and unacceptable to a prudent mind.

7. Consequently, the Applicant cannot be entitled, nor can he claim an unconditional right to defend the suit. In view of the foregoing, I find no illegality or irregularity in the impugned order passed by the learned 5th Additional District Judge, Hyderabad. Accordingly, the Revision Application is dismissed, along with all pending applications, with no order as to costs.

JUDGE

*Ali.*