IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Ist Appeal No.17 of 2020

Appellant	:	Syed Nazim Ali Shah son of Syed Wajid Ali Shah (Nemo)
Respondent	:	Muhammad Salam Khan son of Muhammad Abrar Khan (Nemo)
Date of hearing	:	21.09.2026.
Date of order	:	21.09.2026.

ORDER

Jawad Akbar Sarwana, J. Syed Nazim Ali Shah, son of Syed Wajid Ali Shah, appellant/defendant, is aggrieved by the judgment dated 01.09.2020 passed by the Vth Additional District Judge, Hyderabad, in Summary Suit No.19 of 2020 ("trial Court") filed by Muhammad Salam Khan s/o Muhammad Abrar Khan, respondent/plaintiff.

2. Although the first appeal was instituted on 30.09.2020, the matter has not proceeded for one reason or the other. The orders passed by this (High) Court record that the appellant/defendant no.1's counsel was present on 07.08.2023 and 18.09.2023, yet, on 06.11.2023, the matter was dismissed for non-prosecution. Thereafter, a restoration application was moved in the year 2023, but the pattern, viz., frequent non-attendance on the part of the applicant/defendant no. 1, did not/has not changed, as even after passing of the order restoring the first application on 20.02.2026, when the matter has been listed for hearings on 13.04.2026, 27.08.2026, and, once again, today, 21.09,2027, none has entered appearance on behalf of the appellant/defendant no.1, and no intimation has been received. This is despite the report submitted by the Office confirming that e-notice to the Counsel for the appellant/defendant no.1 has been successfully transmitted. Accordingly, I have proceeded to decide this first appeal based on the available record.

3. A perusal of the record evidences that two cheques in the sum of Rs.25,00,000/- and Rs.15,00,000/- issued by the appellant/defendant no.1have bounced due to insufficient funds as reflected in the memo of dishonourment. Although the learned court granted conditional leave to defend to the appellant/defendant no.1 vide the leave-granting order dated 12.08.2020, the

appellant/defendant no.1 did not furnish solvent surety, and no challenge was subsequently raised to the said Order. Thereafter, the learned Vth Additional District Judge, Hyderabad proceeded to pass judgment and decree based on the available record, which is also available in this file.

3. Given the above, I do not find any illegal infirmity and/or irregularity in the impugned judgment and decree. Accordingly, this first appeal stands **dismissed** in the above terms.

JUDGE

Shahid