HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

R.A No.116 of 2026

[Nadeem Hussain vs. Khuda Bux]

Appellant	:	Nadeem Hussain S/o Anwar Ali Kunhar **Through Mr. Zain-ud-Din advocate**
Respondent	:	Khuda Bux S/o Muhammad Ibrahim Kunbhar **None present**
Date of hearing	:	31.08.2026
Date of decision	:	31.08.2026

O R D E R

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JAWAD AKBAR SARWANA J:- Nadeem Hussain S/o Anwar Ali Kunbhar, applicant/plaintiff, is aggrieved by the Order dated 26.03.2026 passed by the Additional District Judge-II, Hyderabad ("the trial Court") in Summary Suit No.194 of 2025, granting unconditional leave to defend to his former father in law, the respondent/defendant-Khuda Bux S/o Muhammad Ibrahim Kunbhar.

2. Counsel contends that the applicant/plaintiff is aggrieved by the Order to the extent that the learned Additional District Judge, Hyderabad, has failed to consider the documents which negate the defence taken by his former father-in-law, the respondent/defendant-Khuda Bux. He contends that, in fact, the applicant/plaintiff has no connection with H.B.L Micro Finance Bank and Khuda Bux's contention that he (Nadeem Hussain) was his nominee is/was not supported by any documentary evidence. He argues that sans documentary evidence on record to substantiate such claim, the trial Court had no reason to entertain his father-in-law's defence that the cheque book was allegedly misused by the applicant/plaintiff. Counsel submits that R&Ps may be called to ascertain the true facts which have been entirely ignored in the impugned Order.

3. Heard learned counsel and perused the available record.

4. The applicant/plaintiff has challenged an Order dated 26.03.2026, which is interim in nature, as it is a leave-granting order which is part of the overall summary proceedings and is granted on a tentative basis before proceeding further with the Summary Suit. The stage of evidence follows the leave-granting order. Whether or not a leave-granting order is with or without condition remains the discretion of the Court, subject to some underlying basis or reasons for such order. I have perused the Order and, on a tentative assessment of this revision application, it does not appear to be arbitrary or capricious. The trial Court has well articulated its reasoning for granting unconditional leave to defend to the respondent/defendant, and Counsel's contention that documents are not available is further ground for a trial. The impugned Order cannot be said to be arbitrary, and the burden of the

defence taken by the former father-in-law of the applicant/plaintiff rests on the respondent/defendant, the former father-in-law.

5. In the circumstances, I do not find any ground to set aside this revisional order granting unconditional leave to defend except that, since this matter pertains to summary proceedings, the Additional District Judge-II, Hyderabad, shall make sincere efforts to conclude the proceedings expeditiously.

6. This revision application stands disposed of in the above terms.

JUDGE

Sajjad Ali Jessar