HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

1st Appeal No.29 of 2026

[Amanullah vs. Muhammad Hajan]

Appellant	:	None present
Respondent	:	None present
Date of hearing	:	15.09.2026
Date of decision	:	15.09.2026

O R D E R

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JAWAD AKBAR SARWANA J:- Amanullah S/o Ghulam Muhammad Bughio – appellant/defendant - instituted this 1st appeal in this Court on 08.04.2026. On 16.04.2026, notice was ordered on the respondents. Thereafter, on 17.08.2026 the counsel for the appellant/defendant was put on notice concerning maintainability of the this appeal in light of two unreported judgments dated 26.03.2026 passed in (i) *1st Appeal No.S-57 of 2025* and (ii) *1st Appeal No.33 of 2025* and the matter was adjourned to 25.08.2026 at 09:00 am when the brief was held on behalf of the lead counsel and request was made for time and as such the matter was adjourned to 28.08.2026 at 08:30 am. However, on 28.08.2026, when the matter was called, none appeared on behalf of the appellant/defendant, and this Bench again adjourned the matter for today at 09:00 am; however, once again, none has entered appearance on behalf of the appellant/defendant, nor has any intimation been received.

2. I have perused the memo of the 1st appeal, and the appellant/defendant is aggrieved by the judgment dated 07.03.2026 passed by the Additional District Judge-II Dadu ("the trial Court") in Summary Suit No.24 of 2025 filed by Muhammad Hajan Solangi-respondent/plaintiff. Briefly, the appellant/defendant issued cheque No. 0000000021, drawn on Faisal Bank, bearing the word "self," for Rs. 21,00,000/- in respect of an underlying transaction involving the sale and purchase of a car. Yet, when the respondent/plaintiff presented the said cheque for encashment, it was dishonoured with the remark that the drawer had stopped payment. Accordingly, the respondent/plaintiff instituted the aforesaid summary suit to recover the cheque amount. After effecting service on the appellant/defendant in the said summary suit, although the appellant/defendant entered appearance and filed an application for leave to defend, in spite of several hearings, none attended

the matter on behalf of the appellant/defendant and the leave to defend application filed by the appellant/defendant was dismissed.

3. It is now a trite proposition of law, which has been enunciated by our Courts, including High Court of Sindh at Circuit Court Hyderabad in several judgments/orders passed this year (2026), relying on the judgment of *Pestonji Shapurji Narelwalla vs. Jamshedji Nowroji Gamadia* [**AIR 1926 Bombay 250**] and the Supreme Court of Pakistan in the decision reported as *Umer Khan vs. Haji Musa Jan* [**2009 SCMR 1101**], that once the Court has directed the defendant to file the written statement, no further rights are created in favour of the defendant in the event that the defendant does not comply with the conditions of the leave-granting order. Thus, when the appellant/defendant does not file the leave-to-defend application in summary proceedings, the trial Court may pass judgment and decree. In the case in hand, the respondent/plaintiff had submitted the bounced cheque and the memo of dishonour; hence, the summary suit was decreed against the appellant/defendant.

4. In view of the above, applying the principle laid down in the aforesaid reported judgments, I do not find any irregularity and/or legal infirmity in the impugned judgment dated 07.03.2026 passed in Summary Suit No.24 of 2025 and, as such, this first appeal is misconceived, and the same stands dismissed accordingly.

JUDGE

Sajjad Ali Jessar