ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Civil Revision Application No. 250 of 2026

Date: Order with signature of Judge

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1. For orders on CMA No. 7635/2026 (U/A)
2. For orders on office objection
3. For orders on CMA No. 7636/2026 (Ex/A)
4. For hearing of main case
5. For orders on CMA No. 7637/2026 (Stay)

12.10.2026

Mr. Khalil Ahmed Qureshi, Advocate for the Applicant.

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1. Urgency granted.

2. Overruled.

3. Exemption is granted subject to all just exceptions.

4-5. This Civil Revision Application has been filed under Section 115 CPC by the Applicant [Irshad Ahmed] against the Order dated 25.09.2026 passed by the learned Xth Additional District Judge, Karachi South in Summary Suit No. 65/2025, whereby the application of the Applicant under Section 151 CPC read with section 24-A of the General Clauses Act, 1897 seeking conversion of the surety amount into a P.R Bond, was dismissed, the Applicant was debarred from filing leave to defend and the suit was ordered to proceed ex-parte.

The brief facts as narrated in the memo of revision application are that the Respondent No.2 [Muhammad Ahmed Iqbal] filed a summary suit under Order XXXVII CPC for recovery of Rs. 55,13,700/- against the Applicant on the basis of a cheque allegedly issued by him towards outstanding sale proceeds during his employment as manager of VG Mills & Firm, which was dishonoured due to insufficient funds. In this regard, FIR No. 435/2024 under Section 489-F PPC was also registered against the Applicant. The learned Trial Court, vide Order dated 21.01.2026, granted the Applicant conditional leave to defend subject to furnishing security of Rs. 27,56,850/- within one month. The Applicant, claiming financial hardship and inability to furnish the security, sought its conversion into a P.R. Bond. However, vide impugned Order dated 25.09.2026, the learned Trial Court dismissed the application as belated on account of having been moved four months after the passing of the order for furnishing of surety within one month and debarred the Applicant from filing leave to defend and proceeded exparte, directing Respondent No.2 to file an affidavit of exparte proof, hence the instant Civil Revision Application.

Heard the learned counsel for the Applicant and perused the entire record with his assistance.

The learned counsel for the Applicant was asked to identify the illegality in the impugned order to the extent that modification/conversion of surety, as prayed for by the Applicant in his application under Section 151 CPC read with Section 24-A of the General Clauses Act, 1897, was refused but he was unable to do so. The learned counsel was unable to point out any provision of law or any case precedent whereby surety fixed by the learned Trial Court can be modified/converted only on account of submission of the defendant that he is faced with financial difficulties that too three months after expiry of the time given for submission of surety.

In view of the foregoing, there is no reason to interfere with the impugned Order. Accordingly, instant revision application is dismissed in limine.

J U D G E

Imran