ORDER SHEET

THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.

R.A. No.S-85 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE

For hearing of CMA No.1229/2026
For hearing of main case.

24-09-2026

Mr. Abdul Aziz, advocate for the applicant.

Mr. Mukesh Kumar, advocate files Vakalatnama on behalf of respondent, which is taken on record.

JAWAD AKBAR SARWANA, J:- Kirshan Kumar, applicant/defendant, is aggrieved by the Order dated 15.04.2026 passed by the Additional District Judge-VI, Sakrand ("the trial Court"), in Civil Misc. Application No.Nil of 2026 in Summary Suit No.13 of 2024 filed by Aqeel Ahmed s/o Rafique Ahmed.

Counsel argues that the impugned Order dismissing the application for reduction of the surety amount is arbitrary and capricious. He relies on another Criminal Miscellaneous Application No. 556 of 2024, filed by Aqeel Ahmed, plaintiff/respondent, which was dismissed.

I have perused the impugned order dated 15.04.2026. The record shows that the Additional District Judge-VI, Sakrand, granted leave to defend on 21.02.2026. Thereafter, on 02.03.2026, the applicant/defendant filed an application to reduce the surety amount. Further, the record reveals that the applicant/defendant neither furnished the surety amount nor appeared to have attended Court proceedings diligently.

Heard Counsel. In the instant case, leave to defend has already been granted subject to furnishing surety in the sum of Rs.2,250,000/-. Counsel for the applicant has relied upon *2020 CLC 1289*, however, the same does not come to the rescue of the applicant/defendant. On 07.09.2026, this Bench further extended time to the applicant/defendant to furnish surety before the trial Court, after which the matter would be decided on merits by this Court. The ad-interim Order passed by this Bench meant that the applicant/defendant was, yet again, granted another opportunity to arrange a solvent surety. With the leave to defend granted on 21.02.2026 till date, the applicant/defendant has enjoyed a period of seven (7) months to arrange and put in place a solvent surety; however, the conduct of the appellant/defendant does not appear bona fide. The submission of a solvent

surety has been delayed by several months in summary proceedings, which was not the object of introducing the provisions of Order 37 CPC. As per the latest diary sheet available for Summary Suit No.13 of 2024 as of 14.09.2026, and once again on 21.09.2026, no surety has been furnished before the trial Court.

For the foregoing, there being no material illegality or irregularity in the impugned order, the Revision Application is misconceived and is accordingly dismissed along with the listed application.

J U D G E

Irfan Ali