IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Ist Appeal No.19 of 2024

Appellant	:	Syed Amjad Ali Shah son of Syed Mataro Shah (Nemo)
Respondent	:	Irfan Hussain son of Ghulam Hussain. (Nemo)
Date of hearing	:	22.09.2026.
Date of order	:	22.09.2026.

O R D E R

Jawad Akbar Sarwana, J. Syed Amjad Ali Shah, son of Syed Mataro Shah, appellant/defendant, is aggrieved by the judgment dated 26.02.2024 passed by the Additional District Judge, Hala, in Summary Suit No.16 of 2023 filed by Irfan Hussain, son of Ghulam Hussain Qureshi, respondent/plaintiff.

2. The first appeal was instituted on 25.03.2024, after which, when the appellant continued to remain absent, the first appeal was dismissed by this (High) Court on 30.01.2025. Thereafter, a year later, the said appeal was restored on 27.02.2026. Thereafter, the matter was listed before this Bench on 27.08.2026, and once again none was present on behalf of the appellant, and the matter was adjourned for today, i.e. 22.09.2026. Meanwhile, the office also issued e-notice to the appellant's counsel and as per the report available before this Bench, the e-notices have stood duly transmitted to the appellant's counsel. However, none is present before this Bench and no intimation has been received. In the circumstances, I have proceeded to decide the matter on merits based on the documents available in this file.

3. The background of the matter appears to be that the respondent/plaintiff had extended finance to the appellant/defendant and, in order to ensure repayment, the appellant/defendant issued him seven cheques towards repayment of such finance. However, the said cheques bounced,

and the respondent/plaintiff initiated summary proceedings for recovery against the appellant/defendant. Although the appellant/defendant filed a leave to defend application, the counsel for the appellant/defendant repeatedly requested extensions of time and sought adjournments; thereafter, the Additional District Judge, Hala, passed orders dated 26.02.2024 declining the leave to defend application. Consequently, the court proceeded to consider the documents available on record, i.e. the cheque and the memo of dishonourment and passed judgment and decree.

4. 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 dismissed the defendant's leave to defend application, 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. Depending on the facts and circumstances, the challenges, pleas and objections taken by the defendant's side accrue at the stage of execution, provided the plaintiff has initiated execution proceedings.

5. Given the above, I do not find any illegality and/or irregularity in the aforesaid judgment passed by the Additional District Judge, Hala. Accordingly, this first appeal is **dismissed** in the above terms.

JUDGE

Shahid