THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

Present:
Justice Jawad Akbar Sarwana

1st Appeal No. 31 of 2022

1. For hearing of CMA 1431/2022.
2. For hearing of main case.

Appellant	:	Nazeer Ahmed s/o Ghulam Hussain Junejo through Mr. Faiz Muhammad Chandio, Advocate.
Respondent	:	Khalid Hussain s/o Muhammad Ummar Junejo through Mr. Mian Taj Muhammad Keerio, Advocate.
Dated of hearing	:	07.11.2025.
Date of Order	:	07.11.2025.
Date of Reasons	:	24.10.2026

O R D E R

JAWAD AKBAR SARWANA, J.: Appellant/defendant-Nazeer Ahmed Junejo s/o Ghulam Hussain Junejo has challenged the judgment and decree dated 22.02.2022, passed by the learned IIIrd Additional District Judge, Hyderabad (the "trial Court") in Summary Suit No.103/2018, filed by respondent/plaintiff-Khalid Hussain s/o Muhammad Ummar Junejo.

2. As per the plaint filed by the respondent/plaintiff in the above-mentioned summary suit, it is contended that the appellant/defendant had some commercial dealings with the respondent/plaintiff, which culminated in the appellant/defendant issuing a cheque no.943842 dated 13.04.2018 in the sum of Rs.875,000, which cheque eventually bounced for "insufficient funds". The applicant/defendant pleaded that Khalid Hussain's sister, the wife of Nazeer Ahmed's brother-in-law, stole the cheque, and that the appellant/defendant's signature on the cheque was manipulated.

3. During evidence, the appellant/defendant took a contradictory stand, which shook the credibility of the defence taken by him. While in the Written Statement the appellant/defendant contended that the cheque was stolen, in evidence he deposed that the cheque handed over to the opposing side was an open cheque. At the same time, while still alleging that the cheques were stolen, the appellant/defendant produced no contemporaneous evidence to support the allegation, such as an application for cancellation of the cheque or a memo to the bank to stop payment or a criminal complaint. Further, if the signatures were forged, as the Counsel for the appellant/defendant alleged, then the appellant/defendant produced no handwriting expert in support of its defence, which even otherwise would have been reduced to a cipher as the cheque bounced due to insufficient funds and not on account of discrepancy in the signature put on the cheque.

4. For the foregoing, there being neither material illegality nor irregularity nor mis-reading nor non-reading of evidence in the impugned judgment and decree dated 22.02.2022 passed by the trial Court in Summary Suit No.103 of 2018, the 1st Appeal being misconceived was dismissed by a Short Order dated 07.11.2025. The above are the reasons.

J U D G E