

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Civil Revision No. S – 105 of 2021

Date of hearing	Order with signature of Judge
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Fresh case

1. For orders on office objection
2. For hearing of main case

29-11-2021

Mr. Shafi Muhammad Jiskani, Advocate for the Applicant.

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Pursuant to order dated 08-11-2021, Counsel has filed his supporting affidavit filed along with application under Order 37 Rule 3, CPC.

2. I have heard the Counsel and perused the record.
3. It appears that upon filing of leave to defend application under Order 37, CPC, the Trial Court has passed an order on 02-10-2021 and the relevant finding thereof reads as under:

“4/- From the perusal of record and the points agitated by the defendant in instant application so also the controversy going on between the parties, requires thoroughly evidence; hence application leave to defend filed by defendant through his counsel stands allowed, subject to furnishing security/ surety of half amount involved viz. Rs.50,00,000/- (Fifty Lac rupees), looking to the financial position of the defendant on humanitarian ground. The defendant is directed to furnish security/surety within period of 10-days from the date here-of, failing which an appropriate order is to be passed, resultantly, defendant is also allowed to file his written statement after furnishing security within the period as mentioned above. The instant application stands dispose-of accordingly.”

4. Perusal of the aforesaid finding reflects that a fair order has been passed, whereby the Applicant has been granted leave to defend on his furnishing security / surety for an amount of Rs.5 million as against the Summary Suit of Rs.11 million. On perusal of the affidavit, even otherwise, no case is made out; therefore, the Revision Application being misconceived is **dismissed in limine**.

J U D G E

Abdul Basit