

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
I.A. No. 04 of 2023

Date	Order with Signature(s) of Judge(s)
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Hearing Case (Priority)

1. For order on office objection/reply at "A".
2. For hearing of main case.
3. For hearing of C.M.A. No. 141/23 (Stay Application).
4. For order on Nazir's report dated 11.03.2023.

13.03.2023

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Mr. Sarosh Jamil, Advocate for appellant.  
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This first appeal was filed against the order dated 26.11.2022 passed in Summary Suit No.61 of 2022 by District Judge Karachi, South. In the said judgment the matter was decided against the present appellant to the extent of amount of Rs.17,00,000/- alongwith simple interest, decree thereafter was also prepared on 30.11.2022.

The matter was fixed for hearing on 23.1.2023 on which date pre-admission notices were issued to the Respondents for 15.2.2023. On 15.2.2023 counsel for the appellant was categorically required to deposit the decretal amount within 10 days' time, which is mandatory requirement. It was also observed that if the appellant deposits the amount within stipulated time the impugned judgment would remain suspended. However, it is an admitted position that the decretal amount was not deposited within the stipulated time and after expiry of the period, an application under Section 151 CPC was filed for extending the period in respect of the relief already granted on 15.2.2023. Since the application for extension itself was delayed, the said application was dismissed vide order dated 02.3.2023 and the relief granted with regard to suspension of impugned order was also recalled. Today also counsel for the Appellant is present. As per Nazir's report despite giving time to the appellant no one turned up before the Nazir to deposit the decretal amount. The counsel for

the appellant was categorically asked with regard to deposit of the decretal amount to which the learned counsel candidly conceded that the appellant cannot pay the amount.

In view of the clear admission of the appellant, it is evident that the mandatory requirement with regard to payment of decretal amount was not done hence in our view, this appeal does not merit consideration. We therefore, under the admitted circumstances have no alternate but to dismiss this appeal in limine alongwith listed applications.

JUDGE

JUDGE

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