

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

**Ist Appeal No.87 of 2023**

Zia Rasool  
Versus  
Syed Tanveer Alam & another

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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**Present: - Muhammad Shafi Siddiqui, J  
Jawad Akbar Sarwana, J**

Fresh Case

1. For orders on CMA No.4549/2023 (Urgent).
2. For orders on CMA No.4550/2023 (Exemption).
3. For hearing of main case.
4. For orders on CMA No.4551/2023 (stay).

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**Dated 27.10.2023**

Mr. Nazeer Ahmed Gorar, Advocate for the Appellant.

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- 1) Urgency granted.
- 2-4) We have heard learned counsel and perused the material available on record.

A leave application in a summary suit was filed by the Appellant belatedly. He was served on 10.11.2022 and thus the leave application ought to have been filed on 20<sup>th</sup> of November, 2022, whereas, the Appellant appeared before the Court through his counsel on 28.11.2022 on which date he did not file the leave application. The leave application was subsequently filed on 08.12.2022. He claimed that the pleadings were not provided alongwith summons. He neither claimed a copy of the pleadings either before conclusion of 10 days' time prescribed for filing leave application nor thereafter, nor even on 28.11.2022 on which date he appeared before the Court through his counsel. The record does not show if any application for condonation was filed, it is not even urged by the counsel. Lastly it is urged that the Appellant was not aware about filing of the leave application within the time prescribed under

the law, whereas, this is not a lawful excuse, as ignorance of law cannot be counted towards the statutory requirement.

The suit was based on negotiable instrument, that is, three cheques of Rs.2 lac each dated 15.12.2021, 15.01.2022 and 15.02.2022 of National Bank of Pakistan, Gulshan-e-Iqbal Branch, which were dishonored. No case for interference is made out and consequently this Appeal is dismissed in *limine* along with listed applications.

JUDGE

JUDGE

Ayaz Gul