

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

First Appeal No.88 of 2022

Bin Yamin and another
Versus
Muhammad Arshad and another

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Hearing case (priority)

1. For hearing of main case.
2. For hearing of CMA No.3465/2022 (stay).

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Dated 12.12.2023

Syed Shahid Mushtaq, Advocate for the appellants.

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This appeal arises out of a summary suit No.145/2021.

Brief facts are that the cheque of Rs.925,000/- was issued by proprietor of Nova Marines that is appellant No.1. The leave application was filed, however, it was dismissed and the suit was decreed.

The sole ground stated in the leave application was that the cheques were “snatched”, yet in terms of para-7 of the leave application neither any private complaint was lodged nor any FIR was registered. Counsel submits that the word “snatch” is perhaps a typographical error, as the cheques were actually misplaced/ stolen. Even for that reason an immediate complaint has to be lodged. The information delivered to the Bank for stop payment is of no avail as the Bank was obliged to encash the said cheque as bearer cheque.

No plausible explanation or defense was provided by the appellants in the leave application and rightly so the suit was decreed. The appeal merits no consideration and is dismissed along with pending application(s).

JUDGE

JUDGE

Ayaz Gul