

**ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD**

R.A.No. 220 of 2024  
1<sup>st</sup> Appeal No. 29 of 2024

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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12.11.2024.

Mr. Muhammad Aleem Arain, Advocate for Applicant / Appellant.  
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Mr. Wali Muhammad Khoso, Advocate has filed Vakalatnama on behalf of Respondent / Plaintiff in 1<sup>st</sup> Appeal No.29/2024, taken on record.

Both Revision and Appeal are heard together. In 1<sup>st</sup> Appeal, the Judgment and Decree has been challenged whereas in Revision, the Order dated 27.05.2024 is questioned besides 27.07.2024. In the first Order, the Applicant was required to disclose Assets for attachment, sale and auction by the Court whereas on his default, the second Order was passed issuing NBWs against him.

Learned Counsel for the Appellant / Applicant states that both Judgments have not considered the entire case and material on record, whereas, Mr. Khoso has opposed both these Appeal and Revision, *inter alia*, on the ground that even the property owned by Appellant was sold during proceedings but mutation is not done due to the Court Decree.

Record perused. The Judgment and Decree dated 05.04.2024 has discussed the rival contentions so also that earlier conditional leave to defend the Suit was granted to Appellant by furnishing solvent surety of Rs.500,000/-, which upon the Application of Appellant / Applicant was reduced to Rs.3,50,000/-, which too was not deposited and Appellant defaulted, followed by the Judgment and Decree.

The two impugned Orders of the Revision are the outcome of the said Judgment and Decree. No material irregularity has come on record, resulting

in setting aside of the impugned Judgments and Orders which are passed within the parameters of law, in particular, the Judgment and Decree in the Summary Suit, when the Defendant, in the present case, the Appellant fails to comply with the conditional leave to defend Order. There is a Plethora of case law, which does not require any discussion here.

Consequently, the Appeal is dismissed alongwith pending Application.

The Applicant (in above Civil Revision) will make the disclosure of his assets before the learned Trial Court (Executing Court) and if he wants to file any Application for furnishing of solvent surety to defend the Execution, he may do so, which will be decided on merits by the Court. It should be done within ten (10) days from today and on next date the Applicant should appear before the learned Executing Court, that is, on **18.11.2024 at 12-00 noon**.

This Revision is disposed of alongwith pending Application and both Orders are maintained, except that till 18.11.2024, the NBWs will remain suspended and the learned Executing Court will decide all the relevant Issues; this concession shall cease to exist, if, Applicant fails to appear before the Trial / Executing Court.

JUDGE

Tufail