

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

1st Appeal No. 1 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on CMA 55/2026.
- 2. For orders on CMA 56/2026.
- 3. For hearing of main case.

12.01.2026.

Ms. Samina Ajmeeri, Advocate for appellant.
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This order will decide the 1st Appeal maintained under Section 96 of the Code of Civil Procedure 1908, impugning a Judgement dated 2 December 2025 and Decree dated 8 December 2025 passed by the 2nd Additional District Judge, Hyderabad in Summary Suit No.33 of 2024.

Summary Suit No.33 of 2024 was maintained by the respondent as against the appellant before the 2nd Additional District Judge, Hyderabad seeking recovery of an amount of Rs.100,00,000/- against the defendant. The application for leave to defend was presented by the appellant which was allowed conditionally but the condition was not complied with by the appellant. The 2nd Additional District Judge, Hyderabad consequently chose to declare the defendant exparte and decreed Summary Suit No.33 of 2024 by the judgment dated 2 December 2025.

Ms. Samina Ajmeeri, Advocate has entered appearance on behalf of the appellant and contends that the appellant was in jail hence was unable to comply with the condition stipulated in the order dated 26 November 2024 passed by the 2nd Additional District Judge, Hyderabad in Summary Suit No.33 of 2024. She claims that the additional time may be granted to the appellant to comply with the condition.

I have heard Ms. Samina Ajmeeri and have perused the record. To extend a period of time an application under Section 148 of the Code of Civil

Procedure 1908 would be required to have been maintained by the Appellant and where the trial court failed to exercise its jurisdiction or incorrectly exercised its jurisdiction, then such an order could be impugned in an appeal. However, where no application is maintained before the trial court, I do not see it to be the jurisdiction of this Court in appeal to extend time for compliance and which would be the sole jurisdiction of the Appellate Court. Admittedly, no application under Section 148 of the Code of Civil Procedure, 1908 was maintained by the Appellant and hence it is not open to this Court to consider the enhancement of time for compliance. This appeal must be dismissed.

For the foregoing reasons there being no material illegality or irregularity in the Judgement dated 2 December 2025 and Decree dated * December 2025 passed by the 2nd Additional District Judge, Hyderabad in Summary Suit No.33 of 2024, this 1st Appeal is misconceived is dismissed, along with all pending applications, with no order as to costs.

JUDGE

Tufail