

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

R.A.No. 55 of 2026

| DATE | ORDER WITH SIGNATURE OF JUDGE |
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|-------------|--------------------------------------|

1. For orders on office objections.
2. For orders on CMA 7554/2026.
3. For orders on CMA 755/2026.
4. For hearing of main case.

20.04.2026.

None present on behalf of applicant.

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None present for applicant. No intimation is received. This Civil Revision Application has been filed against the order dated 11.02.2026 passed by the learned VIth Additional District Judge, Hyderabad in Summary Suit No. 191 of 2025, whereby leave to defend was granted to the respondent No.2/defendant No.1-Muhammad Afaq Memon and his wife, applicant/defendant No.2-Mst. Dua. The applicant Ms. Dua claims that she has not issued any cheques in favour of respondent No.1/Plaintiff Noor Muhammad yet the learned trial Court has passed orders directing deposit of sum of Rs.26,81,000/-. The impugned order has clearly identified triable issues, which merit grant of leave. Additionally, I have perused the order and do not find any arbitrariness that would call for interference in this leave to defend granting order as to imposing conditions on such leave. Indeed, this is not the stage in the summary proceedings to minutely and microscopically examine whether such leave should have been either conditional or unconditional. This is a discretionary matter and to this extent mandating that the applicant-defendant should submit a solvent surety is within the discretionary powers of the Court, which have been exercised properly at this stage viz: the applicant/defendant No.2-Mst.Dua. The points/issues identified in the impugned order will now be subjected to the rigors of trial/evidence, etc.

Without prejudice to the foregoing, the applicant/defendant No.2 retains the right to defend the proceedings whereas security is to be deposited by her husband, the issuer of the bounced cheques. The learned VI-Additional District, while observing that a sum of Rs.13,15,000/- deposited in Mst.Dua's account has observed that there was no bounced cheque issued by her and has refrained from giving any specific direction to the applicant-defendant No.2 to arrange any security in the sum of Rs.13,15,000/- on her part in the impugned leave to defend granting order.

The trial Court apparently has found the presence of Mst.Dua necessary in order to enable the Court to effectually and completely adjudicate the summary suit perhaps that is why no specific condition is specified in the impugned leave to defend granting order for her to continue her defence by way of submitting a solvent surety. The condition it seems operates against her husband, the defendant No.1-Muhammad Afaq Memon and to this end, her husband (the defendant No.1) has not challenged the leave granting order for conditional leave of Rs.26,81,000/- arising out of bounced cheques.

Accordingly, given the above this Civil Revision Application is dismissed in limine in the above terms along with listed application.

Suffice to say the observation made here will not prejudice the rights of the parties during trial and/or influence the trial in any way.

JUDGE