

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

1st Appeal No.S-76 of 2022

<i>DATE</i>	<i>ORDER WITH SIGNATURE OF JUDGE</i>
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1. For orders on C.M.A No. 2294/2022
2. For order on C.M.A No. No.2295/2022
3. For hearing of Main Case.

14.09.2026.

Mr. Nabi Bux, advocate for the applicant.

Mr. Asad Lakho for Respondent.

Lal Bux @ Shahnawaz S/o Haji Khan by caste Burfat Appellant/defendant is aggrieved by the impugned order dated 14.09.2022 wherein the 1st Additional District Judge, Kotri, in Summary Suit No.03 of 2022 filed by Abdul Fatah @ Kashif S/o Abdul Qadir Respondent/plaintiff above mentioned summary suit had decreed the suit pleaded in the plaint of summary suit.

Learned counsel for the Appellant/defendant pleaded that the service had not been effected in terms of Order XXXVII. In order to address such query this Court examined the leave to defend application filed by the Appellant/defendant as available at Page 25 wherein such plea concerning the service of summons has not been taken up. Once the Court had decided leave to defend application and no challenge was raised to the same, the plea concerning ineffective service cannot be sustained. Thereafter learned counsel for the Appellant/defendant pleaded that the learned Trial Court has not articulated any reasoning to support the Judgment in the sum of Rs.14,00,000/- (Fourteen Lacs). He has argued that there was no articulation of how the Trial Court had arrived at this total figure. To meet this submission this Bench considered the documents which have been placed on record by the Appellant/defendant which shows that the breakup was given in the Paragraph-6 of the plaint filed in the summary suit which lists the six cheques in tabular form, these cheques corresponds with

the annexures of this appeal enclosing the dishonored cheques and the memos.

Given the above I do not find any merit in the challenge the impugned order dated 14.09.2022 and given the above reasons 1st Appeal is dismissed.

JUDGE

Najeebullah.