

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

1st Appeal No.S-48 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For orders on office objections.
For orders on exemption application.
For orders on stay application.
For hearing of main case.

19-08-2026

JAWAD AKBAR SARWANA, J.- The appellant/defendant, Iftikhar Ahmed son of Maqbool Ahmed, is aggrieved by the judgment and decree dated 11.03.2025 passed by the learned 2nd Additional District Judge, Tando Allahyar (“the trial Court”), in Summary Suit No. 25 of 2024. The first appeal was instituted before this Court on 12.04.2025; however, no one appeared on behalf of the appellant despite direct notice. Accordingly, I have proceeded to decide this appeal based on the material available on record.

As per the grounds agitated in the memorandum of the first appeal, the appellant/defendant has alleged that the cheques in question were extorted from him (paragraph No. 2), and that there was misreading and non-reading of the evidence by the learned 2nd Additional District Judge (paragraphs Nos. 4, 5, 6, 9, 10 and 11).

I have perused the impugned judgment dated 11.03.2025 as well as the evidence recorded by the learned trial Court as available in this file and find that the learned 2nd Additional District Judge has fairly and comprehensively discussed the evidence available on record. At the outset, the appellant/defendant failed to appear and defend proceedings in a timely manner despite service of summons through all prescribed modes, including publication effected upon him. Consequently, the matter proceeded ex parte against him. The record also shows that on 29.01.2025, the appellant/defendant filed an application under Order IX Rule 13, CPC, challenging the ex-parte order, but this challenge was dismissed; however, the appellant/defendant did not prefer any appeal against the said order. The upshot of the foregoing is that the claim asserted by the respondent/plaintiff proceeded undefended and stood proven after recording of evidence, having been decreed in the sum of Rs. 500,000/- payable by the appellant/defendant to the respondent/plaintiff.

I do not find any illegality, irregularity, or misreading of the evidence in the impugned judgment which would warrant any interference by this bench. No case for intervention is made out.

In the circumstances, for the foregoing reasons, the first appeal is dismissed.

J U D G E

Irfan Ali