

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

1st Appeal No.S-46 of 2025

[Jahanzaib vs. Abdul Ghaffar]

Appellant	:	Jahanzaib S/o Abdul Rahmeem None present
Respondent	:	Abdul Ghaffar S/o Ghulam Hussain None present
Date of hearing	:	19.08.2026
Date of decision	:	19.08.2026.

ORDER

JAWAD AKBAR SARWANA J:- The appellant/defendant Jahanzaib S/o Abdul Raheem is aggrieved by the judgment dated 21.04.2025 and decree dated 28.04.2025 passed by the IInd Additional District Judge Hyderabad (“**trial Court**”) in Summary Suit No.33 of 2021 [*Re: Abdul Ghaffar vs. Jahanzaib*].

2. None has appeared on behalf of the appellant/defendant since this first appeal was instituted on 27.05.2025, which includes three dates of hearing, including the hearing date today. Notices were sent to the appellant/defendant directly, yet none have entered appearance, and no intimation has been received.

3. The background of this lis is that the respondent/plaintiff had filed the above Summary Suit in respect of 13 cheques for an amount of Rs.9,26,000/-, out of which 10 cheques for the amount of Rs.5,00,000/- were deposited by the respondent/plaintiff in the Habib Bank Limited Shahi Bazar Branch, Hyderabad, but the same were dishonoured. After granting leave to defend and recording of evidence of the parties, the learned trial Court decreed the suit of the respondent/plaintiff to the extent of 10 cheques totalling Rs.5,00,000/-.

4. On perusal of the memo of first appeal, consisting of 15 sheets, the first eight sheets are merely a reproduction of the impugned judgment, mentioned above. The grounds raised by the appellant/defendant only emerge thereafter, on the remaining pages. These grounds for setting aside the impugned judgment and decree concern (i) that the colours of the pen used on the cheques are different; therefore, the appellant/defendant has nothing to do with the bounced cheque in issue, (ii) the signature on the cheques are/is differing and (iii) that there was no commercial transaction

between the parties to support any issuance of cheques, (iv) misreading and non-reading of evidence on the part of the trial Court, etc.

5. I have perused the impugned judgment and the grounds raised in the memo of first appeal, which are simply a regurgitation of the evidence recorded of the respondent/plaintiff, without any identification of the reasoning why the appellant/defendant has found the reproduced selections from the evidence to be a misreading and/or non-reading. Indeed, although the appellant/defendant filed his Written Statement, he did not step into the witness box to support his defence. Therefore, he deposed no evidence to controvert the plaintiff's assertions, which are fully supported by the evidence brought on record, on which basis the respondent/plaintiff's assertions stood proved. In the circumstances, the trial Court allowed the plaint filed in the Summary Suit.

6. I do not find any irregularity or misreading of the evidence on the part of the trial Court in the impugned judgment and decree, and, as such, I am not inclined to interfere in the same.

6. Accordingly, the impugned judgment and decree are upheld, and the instant first appeal is dismissed in limine. Office to send a copy of this Order to the Executing Court.

JUDGE