

ORDER SHEET

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

R.A No.121 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
25.08.2026	

None present on behalf of the applicant. No intimation is received. As per the Bailiff’s report, notices were duly served upon the applicant’s counsel, Mr. Nihal Khan Lashari, and respondent Afzal Ahmed, yet no one appeared, nor was any intimation received.

The applicant has challenged the impugned Order dated 19.08.2025 passed by 1st Additional District Judge Tando Allahyar in Summary Suit No.04 of 2025, whereby the learned 1st Additional District Judge Tando Allahyar granted leave to defend unconditionally and directed the defendant/respondent to file a Written Statement. The entire case is whether or not the grant of unconditional leave, as a discretion of the Court under the provisions of Order XXXVII Rule 3 CPC, has been correctly exercised. I have perused the available record as well as read the impugned Order. It is well reasoned, and the learned 1st Additional District Judge Tando Allahyar has set out the reasons for exercising the discretion in paragraph No.5 of the impugned Order for granting conditional leave. I do not find any arbitrariness or illegality in paragraph No. 5, which appears unreasonable and entirely illogical so as to compel me to set aside or modify the leave granting order passed in the Summary Suit; this aspect will only become known after recording of evidence, not at this preliminary stage.

Given the facts and circumstances of the case and the reasons discussed above, I do not find this revision application maintainable, and the same stands dismissed accordingly.

JUDGE