

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

1st Appeal No.S-34 of 2026

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

For orders on office objections.
For orders on exemption application.
For orders on CMA No.1576/2026.
For hearing of main case.

07-09-2026

M/s. Muhammad Mudassir Abbasi and Liaquat Ali advocates for the appellant.

JAWAD AKBAR SARWANA, J:- Syed Abdullah Shah, son of Mehmood Shah, applicant/defendant, is aggrieved by the judgment dated 25.03.2026 passed by VI- Additional District Judge/MCAC-II, Hyderabad, in Summary Suit No.154 of 2024. Essentially, counsel argues that once leave to defend had been granted, the learned Additional District Judge-VI, merely on account of the applicant filing an application for reduction of the security amount/conversion of security into solvent surety, dismissed the same and proceeded to pass the judgment and decree in the sum of Rs.60,00,000/- (Rupees Sixty Lacs) with 8% increase per annum from the date of decree. He has argued that he had raised a plausible defence, on account of which leave to defend had been granted, and he ought to have been given an opportunity to cross-examine Muhammad Dawood son of Murad Khaskheli, plaintiff/respondent. In support of his submission, counsel has relied on the judgment of the High Court of Gujarat at Ahmedabad dated 27.06.2018, passed in Second Appeal No.397 of 2017 with Civil Application No.1 of 2017.

Heard counsel. In the present case, the applicant/defendant moved a first application seeking reduction of the security amount/conversion of security into solvent surety after the trial Court allowed conditional leave to defend. The applicant/defendant challenged the leave-granting order before the High Court, but the same was dismissed. Thereafter, the applicant/defendant filed yet another (second) application to allow him to submit solvency certificates instead of a cash deposit as surety, but this application too was dismissed. Meanwhile, as per paragraph 5 of the impugned Order, the respondent/plaintiff filed an affidavit in evidence and proceeded to depose evidence in support of his pleading. As per paragraph No.8 of the impugned judgment, no documentary evidence was available to rebut the claim put up by the plaintiff/respondent, and the summary suit based on the dishonoured cheque, supported by the memo of the bank, went

unrebutted. Thus, in the circumstances, the learned Additional District Judge-VI/MCAC-II, Hyderabad, passed the judgment and decree.

It is now a trite proposition of law, which has been enunciated by our courts, including this High Court of Sindh at Circuit Court, Hyderabad, in several judgments/orders passed this year (2026), relying on the judgment of *Pestonji Shapurji Narelwalla Vs. Jamshedji Nowroji Gamadia* (AIR 1926 Bombay 250) and the Supreme Court of Pakistan in the decision reported as *Umer Khan Vs. Haji Musa Jan* (2009 SCMR 1101), that once the Court has directed the defendant to file the written statement, no further rights are created in favour of the defendant in the event that the defendant does not comply with the conditions of the leave-granting order.

For the foregoing, there being no material illegality or irregularity in the impugned judgment dated 25.03.2026 and decree dated 30.03.2026 passed by the learned Additional District Judge-VI/MCAC-II, Hyderabad, in Summary Suit No.154 of 2024, the 1st Appeal is misconceived and is accordingly dismissed along with the listed applications.

J U D G E

Irfan Ali