

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

R.A No.112 of 2026

[Sumair Iqbal Memon vs. Gohar Ali]

Appellant : Sumair Iqbal Memon S/o Iqbal Memon
Through Mr. Ayaz Ali Mangi advocate

Respondent : Gohar Ali S/o Noor-ul-Islam Muslim
Through Mr. Faheem Dal advocate

Date of hearing : 31.08.2026

Date of decision : 31.08.2026

ORDER

JAWAD AKBAR SARWANA J:- Sumair Iqbal Memon, applicant/defendant, is aggrieved by the Order dated 18.05.2026 passed by the VIIIth Additional District Judge Hyderabad (“the trial Court”), in Summary Suit No.206 of 2025, whereby the application for reduction of surety was declined by the trial Court.

2. It appears that after the leave-granting order was passed by the trial Court on 18.03.2026 for the next two months, the applicant/defendant continued to pursue the trial Court to reconsider the quantum of conditional leave, directing him to furnish surety in the sum of Rs.50,00,000/-, as the applicant/defendant was unable to furnish such surety on medical grounds. Counsel for the applicant/defendant has not challenged the leave-granting order, but impugned the order dated 18.05.2026 rejecting the applicant/defendant’s application for reduction of surety amount for leave to defend the suit. Moreover, the respondent/plaintiff has also not challenged the leave-granting order wherein the trial Court, after considering the suit for recovery of amount of Rs.1,80,00,000 (One Crore) based on an alleged bounced cheque no.00073873 dated 01.12.2024 drawn on Summit Bank Branch Qasimabad, Hyderabad, allowed leave to defend subject to the applicant/defendant furnishing a surety amount of Rs.50,00,000/- (a lower amount). In the circumstances, when even the respondent/plaintiff has accepted surety of a lower quantum compared to the sum claimed in the summary suit, the trial Court has declined to exercise its discretion and dismissed the applicant/defendant reasons for medical grounds to reduce the surety.

3. I have considered the matter and found that there is no arbitrariness and capriciousness in the impugned Order dated 18.05.2026, wherein the trial Court has fairly exercised its discretion and rejected the applicant/defendant’s application for reduction of surety. No case for interference by this Court in the impugned Order is made out. This revision application stands dismissed accordingly.

JUDGE