

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

1st Appeal No.S-04 of 2023.

<i>DATE</i>	<i>ORDER WITH SIGNATURE OF JUDGE</i>
	For orders on C.M.A No.278/23. For hearing of main case.

09.09.2026.

None are present on behalf of the appellant/defendant No.1 (Ghulam Abbas s/o Dilawar Hussain). This first appeal was initially dismissed for non-prosecution, along with all pending applications, on 08.11.2023; thereafter, it was restored on 09.02.2026; however, today, once again, none are in attendance on behalf of the Appellant/defendant, and no intimation has been received. Accordingly, I have proceeded to decide this lis based on information available on record.

I have perused the impugned Judgment dated 24.12.2022 passed by the learned Additional District Judge-VIII, Hyderabad (“the trial Court”) in Summary Suit No.04 of 2020 filed by the respondent no.1/plaintiff-Hassan Ali Sayani s/o Masoom Ali Sayani. Based on the memo of the first Appeal, it appears that, essentially, the appellant/defendant-Ghulam Abbas has challenged the impugned Judgment on the ground that the learned trial Court’s decision is based on misreading and non-reading of the evidence. The record reveals that after conditional leave to defend was allowed on 06.08.2021 subject to the appellant/defendant furnishing security in the sum of Rupees Nine Lakhs (Rs.900,000/-), which was the amount of the bounced cheque dated 25.02.2018 drawn on Faysal Bank Limited, Saddar Branch, Hyderabad, in favor of the respondent no.1/plaintiff-Hassan Ali Sayani, the former filed his written statement, and the trial Court settled issues on 04.12.2021. Both parties also led evidence and, as per paragraph 11 of the impugned Judgment, the appellant/defendant no.1 admitted in his cross-examination that the cheque produced by respondent no.1/plaintiff was signed by the appellant/defendant, which was also confirmed by one witness, Dr. Muhammad Ali. Nothing on record suggests that the trial Court's aforesaid

observation and/or finding is/was inconsistent with the record, such that it may constitute a non-reading and/or mis-reading of evidence. Further, as per paragraph-05 of the impugned Judgment, too, the respondent no.1/plaintiff also examined himself and produced the original cheque, deposit slip, cheque memorandum and the bank statement concerning the bounced cheque, which was dishonoured on the ground of insufficient funds. Consequently, the trial Court decreed the summary suit in favor of the respondent no.1/plaintiff.

Given the above, I do not find any ground for interference in the impugned Judgment and Decree dated 24.12.2022. Consequently, the upshot of the above discussion is that this First Appeal stands dismissed along with all pending application(s), if any.

JUDGE

Ali.