

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
I.A. No.166 of 2024

Date	Order with signature of Judge
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PRESENT:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Syed Fiaz-ul-Hassan Shah

PRIORITY CASE:
1. For hearing of main case.
2. For hearing of CMA No.3271/2024.

Dated; 21st October 2025
Raja Rashid Ali, Advocate for Appellant.
Mr. Iqbal Hussain Maitlo, Advocate for Respondent.
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J U D G M E N T

Muhammad Iqbal Kalhoro, J :-- It appears that a summary suit was filed by plaintiff/respondent, who claims to be ex-husband of defendant/appellant for recovery of a loan amount of Rs.10 Million before learned Additional District Judge, Karachi East. Summons were issued and appellant filed an application to defend the suit. The application was found delayed for nine (09) days, hence was dismissed and the suit was consequently decreed in terms of impugned judgment and decree. It is stated that meanwhile an execution application has been filed.

We have heard the parties. It is apparent to observe that there were substantial questions of facts and laws involved in the matter, but those were not attended to by the trial Court. The respondent is claiming the appellant to be ex-wife, whereas appellant is denying it and has already filed a suit for jactitation of marriage against him, who otherwise also claims to be the first cousin of appellant. It is not clear as to why a wife, if respondent is right, would take a huge loan of Rs.10 million from her husband and would give a cheque on so-called

default to repay it, why a husband would need a security from his own wife for repayment. It is not clear either that under what circumstances she had obtained a loan from respondent and how such amount was generated by respondent and from which sources, who are the witnesses to such transactions etc. and where the amount was spent.

All these questions were material and needed to be decided to come to a just conclusion. The trial Court ignored merits of the case and decreed it on a technical ground. We, therefore, set aside impugned judgment and decree and remand the matter to the trial Court where appellant shall furnish a surety of decretal amount. The trial Court is directed to accept written-statement from appellant, frame issues and decide the suit on merits within a reasonable period preferably within three (03) months.

Ist Appeal stands disposed of accordingly.

JUDGE

JUDGE

Farhan/PS
