

**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD.**

R.A.No. 133 of 2025

**Abdullah Shah Khaskheli      Vs.      Muhammad Dawood Khaskheli**

1. For hearing of CMA 2126/2025.
2. For hearing of main case.

Date of hearing: 23.10.2025.  
Date of Order: 23.10.2025.

Applicant : Abdullah Shah s/o Mehmood Shah through  
Mr. Kashif Hussain, Advocate.

Respondent: : Muhammad Dawood s/o Murad Khaskheli  
through Mr. Irfan Khaskheli, Advocate.

**ORDER**

**JAWAD AKBAR SARWANA, J:** On 03.10.2025 this Court suspended the impugned order dated 02.09.2025 passed in Summary Suit No. 154/2024 wherein the learned VIth Additional District Judge, Hyderabad granted conditional leave to defend to the applicant subject to deposit of an amount of Rupees Three million (Rs.3,000,000) in shape of defence saving certificates with the Accountant of the District Court and for remaining amount of Rupees Three million (Rs.3,000,000) furnishing solvent surety within 15 days of the said order. Neither solvent surety nor any bond of security could be arranged by the applicant, hence he moved an application for reduction of the amount of solvent surety but vide order dated 23.09.2025 the same was dismissed. It was then that the applicant filed this revision.

Learned counsel for the respondent has filed Vakalatnama and submits that he is ready to proceed with the hearing.

Counsel for the applicant submits that the applicant who wrote cheques is behind the bar on account of criminal proceedings initiated by the respondent u/s 489-F PPC and is not in a position to arrange for surety. He pleads that the amount is disputed and that such amount totals the surety amount required by the Court to be deposited by him. He submits that the accused / applicant is not a person of means and he is unable to make such arrangement. Lastly, counsel contends that the applicant has a right of hearing and he should not be condemned unheard.

Counsel for the respondent submits that the applicant was the friend of respondent and is a government official. He has resources to submit a solvent surety.

Heard counsels and perused the record. The applicant has issued six cheques which totaled to Rs.06 million that have been dishonoured. The Summary Suit is yet to be decided and this challenge in revision is at the interlocutory stage of the summary trial. The VIth Additional District Judge is seized of the matter and the points in contention viz. the dishonoured cheque have yet to be decided. Given the summary proceedings, this bench is most reluctant to interfere in the order(s) passed by the trial Court so far. No ground for interference has been made out by the applicant / defendant which calls for the bench to exercise its discretion and modify the conditional leave to defend and convert the same into an unconditional leave to defend. In the circumstances, the impugned order passed by VIth ADJ, Hyderabad which is part of the summary proceeding that is yet to be concluded does not suffer from any defects. There is no irregularity in the impugned order.

Given the above, this Revision Application stands dismissed in the above terms alongwith listed application.

JUDGE