

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

1st Appeal No.24 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For hearing of C.M.A No.1101/2022
2. For hearing of main case

23.04.2026

Mr.Junaid Soomro, Advocate for respondent

Appellant/defendant Khan Muhammad Chandio is aggrieved by the Judgment and decree dated 07.03.2022,, passed by the learned II-Additional District Judge, Badin in Summary Suit No.01/2021. This matter has been listed before this bench on 26.03.2026, 02.04.2026 at 9:11 a.m., 13.04.2026 at 11:00 a.m., 16.04.2026 at 10:00 a.m. and once again today at 10:00 a.m. None are present on behalf of appellant. No intimation is received. The impugned judgment dated 07.03.2022, has essentially decreed the summary suit filed by the respondent/plaintiff Qamar Abbas, the reasons thereof are articulated in Paragraph-4 of the impugned Judgment, which are reproduced here under: -

“4. I have heard the arguments of learned counsel for plaintiff and have gone through the material available on record carefully. Perusal of record reveals that the plaintiff has filed the above summary suit for recovery of amount. The defendant has failed to file the leave to defend the case and even he was debarred from filing the written statement. The defendant also filed application under section 151 C.P.C for setting aside the debarring order which is also dismissed by this court vide order dated 10-09-2021. The plaintiff has also filed affidavit of exparte poof wherein he has reiterated the version of plaintiff which has gone un-rebutted and unchallenged by the defendant. The plaint of suit for

declaration, settlement of account, cancellation and permanent injunction filed by defendant Khan Muhammad has already been rejected by the learned Senior Civil Judge Matli, vide order dated 22.4.2021. In these circumstances, this court has no alternate except to decree the suit of plaintiff. Accordingly the instant suit filed by plaintiff is decreed with no order as to costs.”

2. Without prejudice to the above, the conduct of appellant counsel does not inspire confidence. The bench cannot go on extending to the appellant one opportunity after another endlessly to submit arguments. Four (04) clear dates of hearing were provided to the appellant and no progress has been made. Accordingly, I have taken up the matter and reviewed the material available in this 1st appeal. .

3. The documents available on record demonstrate that the service of summons was duly effected on the defendant/appellant as per the framework of Order XXXVII C.P.C; however, the leave to defend was neither filed within the statutory period nor any sufficient cause was provided for the delay. Ultimately, when the affidavit of ex-parte proof was filed, the appellant/defendant did not cross-examine the plaintiff/respondent. The bounced cheque and memo of dishonourment was produced and the respondent/plaintiff claim stood proven. Thus the II-Additional District Judge, Badin decreed the summary suit as prayed..

Given the above, I do not find any reason to interfere in the impugned judgment and decree. The same does not suffer from any defect and/or irregularity; therefore, the appeal is hereby **dismissed**, with no order as to costs.

JUDGE