

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH**  
**CIRCUIT COURT MIRPURKHAS**

First Appeal No. S-04 of 2024

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**DATE ORDER WITH SIGNATURE OF JUDGE**

12.01.2026

Mr. Muhammad Asif Zai advocate for the appellant.

Mr. Abdul Rauf Arain advocate for respondent a/w respondent.

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After arguing the matter at some length, by consent and under instruction of their client, both jointly state, that since opportunity of recording of evidence was not given to the present appellant and in order to decide this case on merit, therefore, the matter may be remanded back to the learned trial Court for the purpose of framing of issues and recording of evidence strictly subject to furnishing security equivalent to decreetal amount (Principal + Mark-up) with direction to conclude the trial within certain timeframe. Accordingly, by consent of the parties, the impugned judgment dated 14-02-2024 and decree dated 17-02-2024 passed by the learned District Judge, Mirpurkhas, in Summary Suit No.66/ 2023 is set aside; and matter is remanded back to the learned trial Court for framing of issues and recording of evidence and to conclude the trial within a period 60 days positively, strictly subject to furnishing of security equivalent to the decreetal amount (Principal + Mark Up) by the appellant, within 15 days from today, with the learned Additional Registrar of this Court. In case of non-compliance of furnishing the required security, the learned trial Court would be at liberty to conclude the trial in accordance with law and the learned Executing Court will be at liberty to proceed with the Execution Application No.17/ 2024.

The instant Appeal is, therefore, disposed of in the above terms, with no order as to costs.

**JUDGE**

“Saleem”