

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

R.A No. 254 of 2011

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For Katcha Peshi.
2. For hearing of C.M.A 640/2011

16.12.2016.

Syed Tariq Ahmed Shah, Advocate for applicant.

Mr. Farhad Ali Abro, Advocate for respondent.

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Counsel for both parties have submitted their arguments and this Revision can be disposed of by narrowing down the controversy.

Since the impugned order (10.08.2011) has granted a conditional leave to the present applicant to defend the summary suit No. 10 of 2011, on furnishing 'Bank Security', which the Counsel for the applicant states, means that he has to furnish Bank Guarantee of the equivalent amount of claim which is Rs.750000/-. It is further stated that he has raised triable issues in his defence before the learned Trial Court and that is why a conditional leave was granted but the terms are quite harsh, as he is suffering from acute financial constraint and cannot furnish a Bank Guarantee, which can only be issued against depositing Rs.750000/- with the Bank. He, however, pleads to furnish title documents of an immovable urban property before the Nazir of the learned Trial Court. On the other hand respondent's Counsel has disputed that triable issues have not been agitated by the applicant's side.

Be that as it may and without touching upon the merits of the case, this Revision Application is disposed of by modifying the impugned order only to the extent that the applicant himself or anyone else on his behalf can furnish an alternate security, instead of furnishing Bank Guarantee, of the equivalent

amount, *inter alia*, by depositing the original title documents of an urban immovable property having the same or higher value to the satisfaction of Nazir of the learned Trial Court. In this regard, Nazir will comply with other requisite formalities (as per rules).

It is expected that being a summary suit the learned trial court will decide it in an expeditious manner and preferably within three months from today, without granting unnecessary adjournments to any party, which is usually sought with an object to delay the matter.

Revision Application alongwith listed application stands disposed of in the above terms.

JUDGE

