

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

Ist Appeal No.59 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
-------------	---

1. For orders on office objections.
2. For orders on MA-3214/2023
3. For orders on MA-3215/2023
4. For orders on MA-3216/2023
5. For hearing of main case.

13.05.2024.

Mr. Altaf Sachal Awan, Advocate for Appellant.

1. Deferred.
2. Granted subject to all just exceptions.

3-5. The captioned Appeal impugns the judgment and decree dated 12.07.2023 made by the learned Additional District & Sessions Judge-IV (MCAC) Shaheed Benazirabad in Summary Suit No.28 of 2022 filed by the Respondent, claiming a sum of Rs.12,50,000/- as against the Appellant on the basis of a dishonoured cheque. The record reflects that the Appellant had been served and entered appearance so as to file an Application under Order 37 Rule 3 of CPC, seeking the grant to leave to defend, which was allowed conditionally subject to furnishing of surety commensurate to the sum claimed, but the Appellant thereafter failed to comply so as to contest the suit, which then culminated in the judgment and decree. This Appeal then came to be preferred on 16.11.2023 along with a CMA No. 3215/23, being an Application under Section 5 of the Limitation Act, seeking condonation of the delay. A perusal of that Application and its supporting Affidavit reflects that no cogent ground has been raised, in as much as it has simply been stated that the Appellant could not file the Appeal within time as he was under threat from the Respondent, with no particulars of the nature, means or dates of such threats having even been furnished. Needless to say, no case for condonation stands made out under the circumstances, with the Application

thus being dismissed and the Appeal also consequently being dismissed as time barred along with the other pending miscellaneous applications.

Shahid

JUDGE