

THE HIGH COURT OF SINDH KARACHI

Present:

Mr. Justice Adnan Iqbal Chaudhry &
Mr. Justice Jawad Akbar Sarwana.

High Court Appeal No. 283 of 2024

[Muhammad Habib v. Jawad ur Rehman Barry & others]

Appellant : Muhammad Habib son of Jamaluddin
through Mr. Abdul Qayyum Abbasi,
Advocate.

Date of hearing : 26-08-2024

Date of order : 26-08-2024

ORDER

Adnan Iqbal Chaudhry J. - 1] Urgency granted. 2-5] Mr. Mohamed Vawda, Advocate, files Vakalatnama for Respondent No.2 pursuant to notice under Order XLIII Rule 3 CPC.

This High Court Appeal is against an order dated 19-08-2024 whereby the learned Single Judge modified an earlier interim order dated 15-06-2023 which was that “no adverse action against the plaintiff is to be taken in respect of the subject cheques” given by the Plaintiff/Appellant to the Defendant No.1. The impugned modification made by the learned Single Judge required the Plaintiff/Appellant to deposit the amount of the cheques in Court. Learned counsel for the Appellant submits that the Plaintiff/Appellant was not heard for such modification; that it was also not brought to the attention of the learned Single Judge that the cheques in question were procured from the Plaintiff/Appellant whilst he was in police custody.

The submission of the Appellant is essentially that certain facts were not brought to the attention of the learned Single Judge by the Respondent in seeking the impugned modification. It was otherwise within his domain to put the Appellant on terms as to the interim order. Therefore, we dismiss this appeal with the observation that the Appellant is free to move an application for review before the learned Single Judge.

JUDGE

JUDGE

SHABAN*