

ORDER SHEET
THE HIGH COURT OF SINDH KARACHI

First Appeal No. 65 of 2024

DATE	ORDER WITH SIGNATURE(S) OF JUDGE(S)
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1. For orders on office objection a/w reply as at 'A'.
2. For hearing of main case.
3. For hearing of CMA No.1192/2024 (Stay)

28.08.2024

Mr. Siraj Ahmed Mangi, advocate for the Appellant.

Counsel for the Appellant/Defendant No.1 in Summary Suit No.126/2023 filed in the Court of IIIrd Additional District & Sessions Judge Karachi (East) submits that his brother, Respondent No.3/Defendant No.2 (Mohammad Mohsin s/o Shehzad Muhammad Sadiq) who is d/b/a Sheikh Construction & Real Estate issued certain cheques in favor of the Respondent Nos.1 and 2/Plaintiffs drawn on Meezan Bank Ltd. Bahria Town Branch, Bank Account in the name of "Sheikh Construction". These cheques were dishonoured (copies of two such cheques are available on pages 489 and 493/553 of the First Appeal). Counsel for Appellant contended that he is not the proprietor of the bank account and has not signed the cheques. He further contends that he appeared before the trial court in Summary Suit No.126/23, but his brother, Mohammad Mohsin, did not. He argued that the trial court did not consider this aspect, and no discussion can be found in the impugned Judgement dated 03.04.2024 and Decree dated 04.05.2024. The impugned Judgement and Decree was passed against the Appellant and his brother, Mohammad Mohsin.

Appellant Counsel's submission merits consideration. Issue Notice to the Respondents by all modes except publication. Meanwhile, the impugned Judgement and Decree passed against the Appellant, Muhammad Momin, alone, is suspended till the next date of hearing. To come up on 18.09.2024.

JUDGE

JUDGE