

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Ist Appeal No. S – 12 of 2024

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| Date of hearing | Order with signature of Judge |
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Hearing of case

1. For orders on office objections at Flag-A
2. For hearing of CMA No.617/2024
3. For hearing of main case
4. For hearing of CMA No.618/2024 (Stay)

02.09.2024

Mr. Sabir Hussain Samo, Advocate for appellant.

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Zulfiqar Ahmad Khan, J. – The respondent, who appeared on the last date and sought time to engage Counsel, is called absent.

2. Counsel for the appellant states that an application under Order XXXVII Rule 1, CPC was dismissed as it was late by four (04) days, and that no application under Section 5 of the Limitation Act was presented along with the said application. Counsel explains that the Counsel, who was representing the appellant before the trial Court, had a heart issue; therefore, he could not submit such application. He, however, suggests that the appellant is ready to submit security in the sum of Rs.8,00,000/- (Eight lac) to the concerned Court, and requests that the matter may be heard and decided on merits.

3. As despite notice, none has effected appearance on behalf of the respondent, who actually was served and sought time to engage Counsel. On the suggestion that appellant is ready to deposit security of Rs.8,00,000/- (the disputed amount) to the concerned Court, I am of the view that the matter ought to be decided on merits. In the circumstances, the impugned judgment of the trial Court is set aside and the matter is remanded back to the concerned Court, which on the receipt of security in the sum of Rs.8,00,000/- (to be kept with Nazir) to proceed with the matter in accordance with law.

Instant appeal is **allowed** in the above terms.

J U D G E