

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Muhammad Shafi Siddiqui, CJ
Mr. Justice Jawad Akbar Sarwana.

1st Appeal No. 156 of 2024

Appellant: Atif, Through S. Jawad Haider
Rizvi, Advocate

Versus

Respondent: Muhammad Danish,
Nemo

Date of order: 13.12.2024

Date of Reasonings: 23.12.2024

ORDER

JAWAD AKBAR SARWANA, J: Appellant, Atif, has filed this 1st appeal against the impugned judgment and decree dated 30.10.2024 passed by learned VIIth Additional District Judge Karachi East in Summary Suit No.13/2017 in relation to a cheque which the appellant issued to the respondent, Muhammad Danish.

2. Counsel for the appellant has contended that the trial Court did not consider the appellant's plea that the cheque he issued had, in fact, been stolen in a theft which took place on 15.01.2015.

3. Heard learned counsel and perused the appeal file. It appears that the cheque bearing No.1935540 dated 22.02.2017 of Silk Bank, KIA Branch, Karachi, in the sum of Rs.20,30,000/- was dishonoured on 27.02.2017. The bench asked the lawyer how a theft could take place of a cheque book where out of the entire cheque book, only one cheque leaf

was stolen. Counsel had no response to the same. The bench sought assistance from the appellant's counsel as to why no action was taken by him in the year 2015 concerning the theft of the said cheque, and once again, he offered no explanation as to why no criminal proceeding was initiated for the loss of cheque till the summary suit had been filed on 06.03.2017. When we found no grounds to interfere with the impugned Judgment passed by the trial Court, we had dismissed the 1st Appeal by a short order dated 13.12.2024 and the above are the reasons for such decision.

Accordingly, 1st Appeal No.156/2024 stands dismissed with no order as to costs.

JUDGE

CHIEF JUSTICE