IN THE HIGH COURT OF SINDH, KARACHI

First Appeal No.121 of 2024

Date	Order with signature of the Judge

Fresh Case

1.   For Order on C.M.A No.2121 of 2024
2.   For Order on C.M.A No.2122 of 2024
3.   For Order on C.M.A No.2123 of 2024
4.   For hearing on main case
5.   For order on C.M.A No.2124 of 2024

03.10.2024

Mr.Mumtaz Ali Khan, Advocate for the appellants

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Through instant Appeal under Section 96 of the Code of Civil Procedure, 1908 ("C.P.C"), the appellants have assailed the legality of Order and Decree dated 10.9.2024, passed by learned VI-Additional District Judge, Karachi Central ("trial Court") in Summary Suit No.72/2024 (Re: Prof Syed Muhammad Ahsan Iqbal Zaidi vs. Zia Abbas and another) whereby application for the leave to defend filed by the appellants was dismissed and consequent upon suit of the respondent was decreed.

Heard learned counsel for the appellants, who solely emphasised his arguments on the merits of the impugned Order and Decree by asserting that the appellants were prepared to pay a total amount of Rs.2,550,000/- in facile instalments of Rs.15,000/- per month with an advance amount of Rs.1,000,000/-. However, no ground has been advanced by the appellants concerning the limitation, as their application for leave to defend was dismissed as time-barred. The appellants had also not filed an application for condonation of delay as envisaged in Section 5 of the Limitation Act. They have not provided any explanation, much less a satisfactory one, as to why they did not seek leave to appear and defend the suit within the prescribed period. The application for leave to defend did not disclose a plausible defence; therefore, the trial Court was justified in disallowing the same. As far as the contention that the appellants are ready to deposit the amount in instalments is concerned, they are at liberty to move the application at the time of execution of the decree if so advised.

For the foregoing reasons, the instant appeal is devoid of merits and is accordingly **dismissed** in **limine** along with the Civil Miscellaneous Applications.

JUDGE

JUDGE