

THE HIGH COURT OF SINDH KARACHI

Present:

Mr. Justice Adnan Iqbal Chaudhry &
Mr. Justice Abdul Mobeen Lakho.

Ist Appeal No. 132 of 2024
[Dileep Kumar vs. Nanik Ram and another]

Appellant : Dileep Kumar son of Dhana Rama,
who is present in person.

Date of hearing : 04-11-2024

Date of order : 04-11-2024

ORDER

Adnan Iqbal Chaudhry J. - The Appellant as Plaintiff of Summary Suit No. 86/2024 has appealed the judgment and decree dated 26-09-2024 only to the extent that the trial Court dismissed the suit against the Respondent/Defendant No.2 while decreeing the suit against the Respondent/Defendant No.1. Per the impugned judgment, the cheques on which the suit had been brought were signed only by the Respondent No.1 as maker thereof and not by the Respondent No.2.

2. The Appellant submits that the Respondents 1 and 2 are father and son and were jointly carrying on business and therefore as partners they were both liable on said cheques. However, in view of section 29A of the Negotiable Instruments Act, 1881, the liability is only of the maker of the cheque viz. the Respondent No.1. The Appellant then submits that the suit had also been brought on the basis of a promissory note and a bill of exchange signed by the Respondent No.2. However, a perusal of the plaint shows that the suit was only brought on the basis of the cheques signed by the Respondent No.1. That being so, there is no cause to interfere with the judgment and decree. Appeal is dismissed.

JUDGE

JUDGE