

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD

1st Appeal No.21 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
	1. For orders on C.M.A. No.1002/2019 (exemption application).
	2. For orders on C.M.A. No.1003/2019 (stay application).
	3. For hearing of main case.

11.02.2025

The instant appeal has been filed against the impugned judgment dated 08.04.2019 which was passed in a Summary Suit under Order XXXVII C.P.C with respect to dishonor of cheque amounting to Rs.1,200,000/-. Perusal of the judgment impugned reveals that conditional order was granted to the appellant by the learned 3rd Additional District Judge, Shaheed Benazirabad subject to deposit of the disputed amount, in the shape of Bank guarantee, to the satisfaction of the Court. However the same was not complied with and on repeated dates, including 08.02.2019, 27.03.2019 and 08.04.2019, the appellant / defendant kept seeking time for compliance. Finally, the impugned judgment was passed whereby Suit of the Plaintiff/Respondent was decreed. It was also informed at that time that Civil Revision Application No.56 of 2019 which was filed by present appellant against the Conditional Order was also dismissed in *limine* by the High Court. On 21.05.2019, 02.09.2019, 29.10.2019 and 17.01.2020, no one was present on behalf of the appellant. Today also neither the appellant nor his counsel are present nor is there any intimation received on their behalf. This being an old matter of 2019 and the proceedings are not under regular Suit but the same was a Summary Suit under Order XXXVII C.P.C which requires summary disposal of such matters. In view of the fact that since morning and even in the second round, neither appellant nor his counsel are present and it appears that appellant has lost interest in the matter, hence the instant appeal is dismissed for non-prosecution.

JUDGE

Muhammad Danish*