

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Civil Revision Application No.53 of 2024

Present
Mr. Justice Muhammad Jaffer Raza

Shahid Mehmood..... Applicant.

Versus

Muhammad Javed Khan..... Respondent

Mr. Muhammad Nadeem Khan, Advocate for
Applicant.
Mr. Govinda Raj Kumar, Advocate for Respondent.

Date of Hearing: 07.04.2025

Date of Order:: 07.04.2025

ORDER

MUHAMMAD JAFFER RAZA – J : Learned counsel for the applicant has filed instant Civil Revision Application impugning the order dated 28.02.2024, in which the leave to defend application filed in Summary Suit No.94 of 2023 granted earlier on 09.12.2023 was recalled by the VIth Additional District Judge, Karachi East.

2. Brief facts of the case are that the respondent filed Summary Suit No.94 of 2023, thereafter leave to defend application was preferred by the applicant, which was allowed vide order dated 09.12.2023, whereby, the applicant was directed to deposit surety in the sum of Rs.5,605,000/-. It was also noted in the order that the surety was to be deposited on or before the next date of hearing in the same suit was 09.01.2024. Learned counsel for the applicant invited my attention to the application dated 08.01.2024, which was filed before the learned trial Court, the said application is available at page 57 and the application for furnishing original document of property/surety. Learned counsel for the applicant further invited my attention to the order of the trial Court seeking verification of the document filed along with application. Learned counsel has further argued that the leave to defend application allowed vide order dated 09.12.2023 has been recalled and not dismissed, therefore, leave to defend application was revived and ought to have been heard on merits. He has further argued that there is no finding in respect of any dismissal.

3. Conversely, learned counsel for the respondent has filed statement dated 18.03.2024 in which he has attached the diary sheet of the learned trial Court. Learned counsel for the respondent has stated that the applicant is only delaying the filing of surety documents and has fully supported the impugned order.

4. I have heard the learned counsel for the parties and perused the record with their assistance. I have also examined the diary sheet of the trial Court, which has been attached through statement by the learned counsel for the respondent, it appears from the perusal of the diary sheet that up till the date of impugned order the verification report was not received, therefore, the surety could not be deposited by the learned counsel for the applicant. It has also been admitted by both the learned counsel that the verification report has to be issued by the respective department and the applicant has no role in the said verification whatsoever. In light of what has been stated above, instant Civil Revision Application is allowed, the impugned order dated 28.02.2024 is hereby recalled, however, the applicant shall furnish the surety before the trial Court within two weeks from today.

J U D G E

Nadeem