

ORDER SHEET

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

M.A No.28 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For hearing of C.M.A No.3735/2023 (41 R 19 CPC)

28.11.2025

None is present for the appellant. The same was the case on the last date of hearing. This Miscellaneous Appeal arises out of Order dated 27.07.2022, passed by the learned III-Additional District Judge, Hyderabad, in Execution Application No.12 of 2022, arising out of Summary Suit No.103 of 2019. The challenge raised by the appellant/defendant is that he was unaware of the judgment and decree passed by the trial Court and thus claims to have been condemned unheard. Accordingly, he seeks the setting aside of the said judgment and decree.

I have perused the impugned judgment dated 23.11.2021, which records in Paragraph-3 that service was effected upon the appellant/defendant through all modes, including Bailiff, registered post A.D., as well as publication in daily newspapers, yet none appeared on behalf of the defendant. Subsequently, on 27.06.2022, during the execution proceedings, the defendant/J.D. appeared for the first time before the Court but failed to furnish security for the decreetal amount. Thereafter, the Court once again granted time to the appellant/defendant/J.D., but he again failed to submit any solvent surety.

Given the conduct of the appellant/defendant/J.D. and the facts reflected in the record of this *l/s*, no ground is made out for challenging the impugned Judgment and Decree. In the circumstances, the listed application is **dismissed**.

JUDGE