

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

C.R. No.344/2019
Raja Sajid Hussain
Versus
Ismatullah Khan

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	17.09.2019	Mr. Muhammad Arqam Arshad, Advocate for the petitioner.

Through the instant civil revision petition, the petitioner, Raja Sajid Hussain, impugns the order dated 18.07.2019, passed by the Court of the learned Additional District Judge, Islamabad, whereby the request for an adjournment made on behalf of the petitioner, was turned down and the leave granting order dated 10.06.2019, was recalled.

2. Learned counsel for the petitioner submitted that the respondent had filed a suit against the petitioner under Order XXXVII C.P.C. for the recovery of Rs.32,20,000/-; that vide order dated 10.06.2019, the learned Trial Court granted the petitioner leave to appear and defend the suit subject to the furnishing of a surety bond; that the petitioner does not belong to Islamabad and therefore was unable to furnish a surety bond; that the request for an adjournment made by the defendant on 18.07.2019 was for a *bonafide* purpose; and that the impugned order dated 18.07.2019, whereby the leave granting order was recalled, is unjust and harsh. Learned counsel for the petitioner prayed for the revision petition to be allowed in terms of the relief sought therein.

3. I have heard the contentions of the learned counsel for the petitioner.

4. The record shows that on 11.10.2018, the respondent had filed a suit under Order XXXVII C.P.C. against the petitioner for recovery of Rs.32,20,000/-. In the said suit, it was alleged that the petitioner had given two cheques for the said amount which had been dishonoured on presentation. Vide order dated 10.06.2019, the petitioner was granted leave to appear and defend the suit subject to the furnishing of a surety bond for an amount prayed for in the suit. For a period of more than one month, the petitioner did not satisfy the condition on which leave to appear and defend the suit was granted to him. On 18.07.2019, the petitioner had sought an adjournment in the proceedings before the learned Trial Court.

5. Since the petitioner had not furnished the surety bond, the learned Trial Court turned down his request for an adjournment and recalled the leave granting order dated 10.06.2019. Furthermore, it was ordered that the petitioner's application for leave to appear and defend the suit shall be deemed to have been dismissed. The matter was adjourned to 11.09.2019 for the respondent's evidence. On 11.09.2019, the learned Trial Court allowed the respondent's application for summoning the cheques and the dishonoured slips from the Court of the learned Judicial Magistrate in case F.I.R.s No.467/2018 and 468/2018, registered at Police Station Ramna, Islamabad.

6. It was not until 16.09.2019 that the petitioner filed instant civil revision petition. Since the petitioner did not comply with the condition on which leave to appear and defend the suit was granted to him, the learned Trial Court did not commit any jurisdictional irregularity in recalling

the leave granting order and dismissing the petitioner's application for leave to appear and defend the suit.

7. The petitioner's excuse for not furnishing the surety bond on the ground that he does not live in Islamabad, is not reasonable since he did not file any application for the substitution of the condition on which leave to appear and defend the suit was granted. Furthermore, he did not file an application for an extension in time for arranging the surety bond.

8. Since I have been given no reason to interfere with the impugned order dated 18.07.2019, the instant revision petition is dismissed in *limine*.

(MIANGUL HASSAN AURANGZEB)
JUDGE

*Ahtesham**