

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRA-AS-107 of 2015

Date of decision : 30.09.2015

M/s Lakhani India Ltd. ...Appellant

Versus

Anish Goyal and anr. ...Respondents

CRA-AS-108 of 2015

M/s Lakhani India Ltd. ...Appellant

Versus

Anish Goyal and anr. ...Respondents

CRA-AS-109 of 2015

M/s Lakhani India Ltd. ...Appellant

Versus

Anish Goyal and anr. ...Respondents

CRA-AS-110 of 2015

M/s Lakhani India Ltd. ...Appellant

Versus

Anish Goyal and anr. ...Respondents

CRA-AS-111 of 2015

M/s Lakhani India Ltd. ...Appellant

Versus

Anish Goyal and anr. ...Respondents

CRA-AS-112 of 2015

M/s Lakhani India Ltd.

...Appellant

Versus

Anish Goyal and anr.

...Respondents

CRA-AS-113 of 2015

M/s Lakhani India Ltd.

...Appellant

Versus

Anish Goyal and anr.

...Respondents

CRA-AS-114 of 2015

M/s Lakhani India Ltd.

...Appellant

Versus

Anish Goyal and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Kunal Dawar, Advocate for the appellants.

Mr. Sarvesh Gupta, Advocate for the respondents.

JITENDRA CHAUHAN, J. (Oral)

Vide this common order, the aforesaid eight appeals are being disposed of as a similar issue is involved in all these appeals. For the sake of convenience the facts have been taken from CRA-AS-107 of 2015.

The appellant-complainant challenges the order dated 26.08.2014, passed by the Judicial Magistrate Ist Class, Faridabad whereby,

the complaint filed under Sections 138 and 142 of the Negotiable Instruments Act, 1881, was dismissed in default for want of prosecution.

Learned counsel for the appellant contents that on 05.08.2014 an application was moved for grant of time for impleading a new authorised representative since the previous one had resigned and the trial court while granting exemption to the complainant, adjourned the matter to 26.08.2014 with a direction to place on record the resignation of the previous authorised representative failing which the complaint was to be dismissed for want of prosecution. On 26.08.2014, counsel for the complainant appeared and requested orally to adjourn the matter as no fresh authorised representative had been appointed till date, however, the Court refused to further adjourn the matter in the absence of fresh authorised representative as the Vakalatnama filed again was by the previous representative. Hence the presence of the counsel for the complainant was not marked. Thereafter, the trial court vide the impugned order dismissed the complaint for not filing the resignation of the previous authorised representative resulting in acquittal of respondents.

Learned counsel for the respondent states that the trial court rightly dismissed the complaint as the complainant failed to comply with the order dated 05.08.2014 and did not file the resignation of the previous authorised representative.

Heard.

On 26.08.2014, counsel for the complainant had appeared and requested orally to adjourn the matter as no fresh authorised representative

had been appointed. Instead of dismissing the complaint because of such a petty default, an opportunity should have been given to the complainant to comply with the order dated 05.08.2014 and decide the same on merits.

To meet the ends of justice, it would be appropriate to grant one more opportunity to the complainant to comply with the order dated 05.08.2014 subject to costs.

In view of above, the appeal is disposed of with a direction to the trial Court to grant one more opportunity to the complainant to comply with the order dated 05.08.2014, subject to the payment of Rs.10,000/- as costs, in each case, to be deposited.

30.09.2015

ashok

**(JITENDRA CHAUHAN)
JUDGE**