

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

CRM-A-663-MA-2011(O&M)

Date of Decision :23.11.2016

Martin and Harris (P) Ltd.

.....Petitioner

Versus

M/s Him Store and Another

.....Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. H.L.Tikku, Senior Advocate with
Mr. Sumeet Goel, Advocate and
Ms. Ramandeep, Advocate
for the appellant.

Mr. Aman Kashyap, Advocate
for the respondents.

FATEH DEEP SINGH, J. (ORAL)

CRM-44736-2011

Learned counsel for the respondent has made statement that he does not intend to file reply to the condonation application and has no objection if the same is allowed.

Heard.

In view of the stand taken by the counsel for the respondent and the averments made in the application, which is duly supported by an affidavit of the petitioner, in the light of the settled position that a party should not be denied access to justice on hyper technical grounds and in the interest of justice taking a lenient view, delay of 541 days in filing the appeal is condoned.

The application stands disposed off accordingly.

CRM-A-663-MA-2011

Heard.

Admitted.

Mr. H.L.Tikku, Senior Advocate has made statement in the light of the instructions of his client that his clients have already filed a civil suit for recovery of the cheque amount and do not want to pursue the present appeal and wishes to withdraw the same, however, reserving their right to rake up all these pleas before the appropriate civil Court.

The appeal thus stands dismissed as withdrawn with liberty aforesaid.

However, any finding recorded by the Learned Magistrate shall not come in the way of the appellant in disposal of the civil matter.

(FATEH DEEP SINGH)
JUDGE

November 23, 2016

Sunil Devi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No