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

CRM-A-1491-MA of 2014

Date of decision: December 20, 2016

Ravinder Sachdeva

.....Applicant

Versus

Om Parkash

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. S.K. Danda, Advocate for
Rajesh Lamba, Advocate for the applicant.

Mr. Saurabh Arora, Legal Aid counsel
for the respondent.

A.B. CHAUDHARI, J (Oral)

Rule. Heard forthwith with the consent of the learned
counsel for the rival parties.

The cheque amount in question is ₹1,05,000/-. Trial Court
called out the case on 22.07.2014 at 10:00 A.M., 12:45 P.M. And last
at 3:00 P.M., but none appeared for the applicant-complainant and as
such the complaint was dismissed-in-default.

Learned counsel for the respondent-accused vehemently
opposed the application on the ground that the applicant-complainant
cannot be given advantage of his own wrong.

Having heard learned counsel for the rival parties. I find
that, though, it is true that on the aforesaid dates, the applicant-
complainant remained absent and as a result thereof, the complaint was
dismissed-in-default, but then the applicant-complainant was never

tried on merits. I think the applicant-complainant should be allowed a chance to prosecute his complaint on merits.

In that view of the matter, following order is passed:-

ORDER

- (i) Impugned order dated 22.07.2014 dismissing the complaint in-default, is quashed and set aside;
- (ii) Complaint No.RBT 488 dated 24.04.2013 is ordered to be restored at its original number in the file of JMIC, Faridabad and shall be tried on merits, by way of last opportunity;
- (iii) The applicant-complainant shall pay costs in the sum of ₹2,000/- to the counsel for the respondent, namely Mr. Saurabh Arora, Advocate, within a period of one week from today;
- (iv) Disposed of, accordingly.

(A.B. CHAUDHARI)
JUDGE

December 20, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No