

213
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-2026-MA-2015 and
CRA-AS-76-2016 (O/M)
Date of decision : 9.5.2016

Yogesh Mudgil

..... Applicant

Versus

Chander Mohan

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Amit Singla, Advocate, for the applicant.
Mr. Ravi Sondhi, Advocate, for respondent.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)
CRM No. A-2026-MA of 2015

The present application has been filed for leave to appeal against the order dated 12.10.2015, passed by the learned Judicial Magistrate 1st Class, Sirsa, whereby the complaint filed under Section 138 of the Negotiable Instruments Act, 1881, was dismissed. Hence, the present application for leave to appeal against the said order.

Heard.

Leave to appeal against the order dated 12.10.2015, passed by the learned Judicial Magistrate 1st Class, Sirsa, is granted. The Registry is directed to assign number to the appeal.

Application is disposed of.

CRA-AS-76-2016 (O/M)

Main appeal

It comes out that the complaint filed by the appellant was dismissed in default by the learned Judicial Magistrate 1st Class, Sirsa on 12.10.2015, on account of non appearance of complainant and his counsel.

The learned counsel for the appellant has stated that on said date, the mother of an advocate had died, as coming out from the resolution of the bar and that counsel had gone for condolence to the said family.

In these circumstances, without commenting on the merits of the order, the impugned order is set aside. The complaint is restored to its original number and the same is ordered to be decided. Both the parties are directed to appear before the learned Judicial Magistrate 1st Class, Sirsa, on 24.5.2016.

In view of the above, the present appeal is allowed.

(KULDIP SINGH)
JUDGE

9.5.2016
sjks