

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

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**CRM-19348-2015 in/and
CRM-A-945-MA-2015
Date of decision : 05.12.2016**

DEEPAK ANAND

.....Appellant

versus

DES RAJ AND ANOTHER

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. R.S.Mamli, Advocate
for the applicant-appellant.

AJAY TEWARI, J. (Oral)

CRM-19348-2015

This is an application for condonation of delay of 58 days in filing the application for granting leave to appeal.

For the reasons recorded in the application, the same is allowed and delay of 58 days in filing the application for granting leave to appeal is condoned.

CRM-A-945-MA-2015

This application has been filed for granting leave to appeal against the impugned order passed by trial Court under Section 138 of the Negotiable Instruments Act.

The applicant-appellant had filed a complaint on the ground that he had given a friendly loan to respondent No.1 who had given him a cheque of Rs. 2,15,000/- which however has been dishonoured. The trial

Court noticed two things, firstly, that neither in the complaint nor in examination-in-chief the applicant-appellant made an averment that the cheque was issued in discharge of any existing legal liability. The Court held that there was a distinction between the existing legal liability and liability; and secondly, that the applicant stated that he did not know the respondent who was a friend of his servant. The stand of the respondent on the other hand was that a signed cheque was lying with one Suresh Kumar and the appellant had connived with said Suresh Kumar and they had filed the complaint against him. The Court held that the appellant had not even summoned his servant Ram Singh who was stated to be a friend of respondent No.1. The Court also found it very strange that a huge amount of Rs. 2, 15,000/- was given to a person whom the petitioner did not even know without executing any writing.

I see no reason to take a different view as that taken by the trial Court.

Application for granting leave to appeal stands dismissed.

December 05, 2016
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No