

225

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

CRM-M-27225 of 2014

Date of decision: July 23, 2016

M/s Escorts Limited

.....Petitioner

Versus

M/s Karthik Engineering Corporation and another

.....Respondents

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

Present: Dr. A.K. Bishnoi, Advocate
for the petitioner.

None for the respondents.

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the petitioner and perused the impugned order dated 03.06.2014.

Learned counsel for the petitioner submits that in the trial Court, despite serious efforts, the petitioner could not get the address of respondent-accused and that is why the petitioner went on asking for the dates. However, at one point of time, the learned trial Judge did not agree with the petitioner for further adjournment and dismissed the complaint in-default.

On perusal of the impugned order dated 03.06.2014, I find that there can be no fault with the trial Court's order, but then the fact remains that the petitioner was disabled in the sense that he could not find out the correct address of the respondent-accused. Since now the learned counsel for the petitioner categorically states that he has found the correct address

and has in fact, served the respondent-accused with this petition under Section 482 of Code of Criminal Procedure, 1973, I think in the interest of justice, this Court should allow the petitioner to contest the complaint and therefore, following order is passed:-

ORDER

- (i) CRM-M-27225 of 2014 is allowed.
- (ii) Impugned order dated 03.06.2014 passed by trial Court is set aside. Trial Court is directed to give a chance to the petitioner to serve respondent-accused before the trial Judge. Thereafter, the trial Court shall proceed further in accordance with law.

(A.B. CHAUDHARI)
JUDGE

July 23, 2016
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