

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

**C.R.M-M No.29739 of 2016 (O&M)
Date of Decision : 16.11.2016**

M/s Shivam Industrial Corporation

..... Petitioner

Versus

Nizamuddin and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Manish Soni, Advocate for the petitioner.

AJAY TEWARI, J. (Oral)

This petition has been filed against the order dismissing the complaint in default.

Learned counsel for the petitioner has argued that the petitioner had filed a complaint against the respondents in which they were summoned vide order dated 12.10.2015 but despite service they did not appear. The petitioner appeared on 11.01.2016, 15.02.2016 and 02.04.2016 when the case was fixed for appearance of the respondents. On 02.04.2016 the matter was adjourned to 25.05.2016. On that date inadvertently the petitioner could not be present and the complaint was dismissed in default.

None has appeared to oppose the prayer. Even otherwise keeping in view the fact of the case, I deem it appropriate to grant relief to the petitioner. Consequently the impugned order is set aside and the complaint is restored. Let the petitioner appear before the trial Court on 08.12.2016 thereafter the case will be again proceeded with.

Petition stands allowed.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

16.11.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No