

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

Date of Decision: June 10, 2016

1. Crl. Misc. No.M-37772 of 2015 (O&M)

Pamwi Tissues Ltd. PETITIONER

Versus

Anil Kumar RESPONDENT

2. Crl. Misc. No.M-37773 of 2015 (O&M)

Pamwi Tissues Ltd. PETITIONER

Versus

Anil Kumar RESPONDENT

3. Crl. Misc. No.M-37792 of 2015 (O&M)

Pamwi Tissues Ltd. PETITIONER

Versus

Anil Kumar RESPONDENT

4. Crl. Misc. No.M-37826 of 2015 (O&M)

Pamwi Tissues Ltd. PETITIONER

Versus

Anil Kumar RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. K.S. Ahluwalia, Advocate
for the petitioner.

Mr. S.S. Sarwara, Advocate
for the respondent.

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?

LISA GILL, J.(Oral)

This order shall dispose of CRM-M-37772-2015 (Pamwi Tissues Ltd. vs. Anil Kumar), CRM-M-37773-2015 (Pamwi Tissues Ltd. vs. Anil Kumar), CRM-M-37792-2015 (Pamwi Tissues Ltd. vs. Anil Kumar) and CRM-M-37826-2015 (Pamwi Tissues Ltd. vs. Anil Kumar).

Challenge in these petitions is to order dated 13.10.2015 passed by Judicial Magistrate Ist Class, Rajpura whereby objections filed by the petitioner have been dismissed in default and sale warrants of its property has been issued.

Learned trial Court in the complained filed by the respondent under Section 138 of the Negotiable Instruments Act, 1881 summoned respondent Shashi Dharan, President of the petitioner Company and Ranjit Kumar Datta, Advisor of the petitioner company. However, summons were not issued qua the petitioner company. The abovesaid two respondents were declared proclaimed offenders on 18.7.2011. The property of the company was directed to be attached on 28.9.2011. The petitioner company filed objections thereto and its counsel appeared regularly on all the dates fixed. It is submitted that when the matter was fixed for 29.9.2015, the next date was noted as 17.10.2015 instead of 13.10.2015. As none appeared on behalf of the petitioner on 13.10.2015, its objections were dismissed in default and the impugned order was passed.

Learned counsel for the respondent fairly states that he has no objection to the setting aside of the impugned order subject to reasonable costs and a direction to the learned trial Court to decide the objections in a time bound manner.

In view of the above facts and circumstances as well as the stand taken by the respondent, the present revision petitions are allowed and the impugned order dated 13.10.2015 is set aside subject to payment of costs of Rs. 5,000/- in each of the petition.

In view of the fact that the matter has been hanging fire since the 2003, it is directed that objections filed by the petitioner be decided within a period of three months.

10.06.2016.

**(LISA GILL)
JUDGE**

‘sp’