

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

**CRR No.1628 of 2016 (O/M)
Date of decision : June 02, 2016**

Ashutosh **..... Petitioner**

Versus

M/s Shree Balajit Tractors and others **..... Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Mukesh Yadav, Advocate for the petitioner.

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)

Impugned in the present revision petition is the judgment dated 06.04.2016 passed by learned Sessions Judge, Narnaul, vide which the summoning order dated 14.03.2016 passed by learned Judicial Magistrate 1st Class, Narnaul was set aside.

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

It comes out that the cheque was issued in favour of the complainant by firm M/s Shree Balaji Tractors, Rewari Road, Narnaul. There were two partners, namely Anil Parkash and Sunil Yadav. One of the partners, namely Anil Parkash expired on 13.04.2015. The cheque was dishonoured due to stoppage of account operation due to death of partner/signatory.

I am of the view that circumstance where one of the signatories dies and the cheque is returned for such reason, is not covered under Section

138 of the Negotiable Instruments Act, 1881. Therefore, there is no reason to interfere in the impugned order.

Accordingly, the present revision petition stands dismissed.

(KULDIP SINGH)
JUDGE

June 02, 2016
sarita