

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

CRM-A-1973-MA-2017 (O&M)
Date of decision: 12.12.2017

Sachin Goyal

..... Applicant

Versus

Charanjit Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Yogesh Goel, Advocate
for the applicant.

RAMENDRA JAIN, J. (ORAL)

1. The instant application has been filed under Section 378(4) Cr.PC against the order dated 07.07.2017 whereby the complaint filed under Section 138 of Negotiable Instruments Act has been dismissed on a single default.
2. Heard. Perusal of the interlocutory orders reproduced in the application show that the applicant was appearing on each and every date. Notice in the accusation was served upon the respondent on 22.03.2017. Thereafter, the case was adjourned to 04.05.2017 and then to 07.07.2017 on which date the complaint of the petitioner was dismissed.
3. Learned counsel for the applicant contends that the applicant asked his counsel to request the Court to take up the matter after lunch break, but his counsel did not appear and made a request for an adjournment after lunch break.
4. Considering overall circumstances and the fact that the applicant was appearing on each and every date before the trial Court and his complaint has been dismissed on his single default, the impugned order dated 07.07.2017 dismissing the complaint of the applicant is set aside subject to payment of costs

of Rs.5,000/- to be deposited with District Legal Service Authority, Ludhiana. Trial Court is directed to restore the complaint at its number and proceed with the same in accordance with law.

5. The instant application is disposed of without issuing notice to the respondents with a view to impart justice expeditiously to the parties and to save the huge expenses, which may be incurred by the respondents and also to avoid unnecessary delay in the adjudication of the matter. Still, if dissatisfied, the respondents may move this Court for recalling this order within a period of six weeks from today.

12.12.2017
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(Ramendra Jain)
Judge

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No