

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

**CRM-A- No.577-MA OF 2016**  
**DATE OF DECISION : 11<sup>th</sup> JULY, 2017**

**M/s. Pawan Readymade Centre**

**.... Petitioner**

**Versus**

**M/s. Smarty Dresses & others**

**.... Respondents**

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

\* \* \* \*

Present : Mr. Manuj Nagrath, Advocate for the petitioner.

None for the respondents.

\* \* \* \*

**A. B. CHAUDHARI, J. (ORAL)**

Heard learned counsel for the petitioner.

Leave to appeal is granted.

Registry to assign the number of criminal appeal.

This Court had issued notice of motion on 23.08.2017.

Office report shows that the respondents have been served. Learned counsel for the petitioner submits that Mr. Liaqat Ali, Advocate had sought adjournment thrice.

The only point that arises for consideration is that the Court below was right in dismissing the complaint on the ground that after the death of Ram Kali the power of attorney of Pawan Aggarwal seized to exist and there was no application filed for substitution as such.

Learned counsel for the petitioner invited my attention to Annexure P-1 and submits that in fact application for substitution was pending and it went unnoticed by the trial Court.

I have perused the application Annexure P-1 and vernacular thereof. The application for substitution indeed has been filed.

Be that as it may. There appears to be factual error in the order observing that there was no such application. In that view of the matter, I make the following order:

**ORDER**

- (i) The appeal is allowed.
- (ii) Impugned order dated 02.12.2015 passed by Learned JMIC, Ludhiana, is set aside.
- (iii) The trial Court is directed to decide the application for substitution and proceed further in accordance with law.

**11<sup>th</sup> JULY, 2017**  
*'raj'*

**(A. B. CHAUDHARI)**  
**JUDGE**

*Whether speaking/reasoned:*                      *Yes*                      *No*

*Whether Reportable:*                                      *Yes*                      *No*