

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

COCP 3162/2017

Date of decision:22.02.2018.

M/s Rajinder Earthmover Filling Station Private Limited

.....Petitioner

v.

Sh.Amit Mittal and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.SP Soi,Advocate for the petitioner

Jaswant Singh,J,(Oral).

Petitioner instituted a complaint case under Section 138 of the Negotiable Instruments Act,1881 against a private limited company before the JMIC,Dasuya wherein the directors of the company were summoned. Subsequently due to lack of territorial jurisdiction the complaint was returned to be filed before the JMIC Ludhiana. The Court at Ludhiana proceeded to issue summons to the authorised signatory only by leaving out the directors of the company, who were issued summons by the JMIC Dasuya.

Petitioner filed CRM-M 28935/2016 before this Court assailing the order passed by JMIC Ludhiana, which was allowed by this Court vide order dated 28.4.2017. It was held that the earlier order dated 16.1.2014 passed by JMIC Dasuya summoning all the accused could not be bypassed by the subsequent order passed by JMIC Ludhiana. Net result was that the proceedings were to take place based on the order dated 16.1.2014

passed by JMIC Dasuya and the parties were directed to put in appearance before JMIC Ludhiana on 31.7.2017.

The present contempt has been filed with the averments that the summoned accused have neither laid any challenge to the order dated 16.1.2014 nor have put in appearance before the Court of competent jurisdiction at Ludhiana nor secured bail.

After hearing counsel for the petitioner the present contempt is disposed of with the directions to the Court concerned-JMIC Ludhiana to proceed in accordance with law in terms of the directions contained in the order dated 28.4.2017. Whatever be the consequences of non-appearance of the summoned party, the trial Court would proceed in accordance with law.

Disposed of.

22.02.2018
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No