

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-A-720-MA-2015 in/and  
CRA-AS-137-2018 (O&M)  
Date of decision: 14.11.2018

**Ram Parshad Jain**

**.....Appellant**

**versus**

**Manjit Singh**

**.....Respondent**

**CORAM: Hon'ble Mr.Justice Kuldip Singh**

Present: Mr.Harmanpreet Singh, Advocate for the appellant  
Mr.Yogesh Goel, Advocate for the respondent

- 1. Whether Reporters of Local newspapers 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?*

**Kuldip Singh, J.**

**CRM-A-720-MA-2015**

Heard.

Leave to appeal granted.

Registry to number the appeal.

**CRA-AS-137-2018 (O&M)**

Impugned in the present appeal is the order dated 19.12.2014, passed by learned Judicial Magistrate First Class, Ludhiana , vide which, complaint filed under Section 138 of Negotiable Instruments Act, 1881 was dismissed for want of non-appearance at the time when the complainant was to lead evidence after summoning of the accused.

Learned counsel for the appellant states that the complainant

was having other litigation also. Therefore, he noted a wrong date. Default is for one date only. Complainant could not appear for his examination. Therefore, order is quite harsh to him. Respondent-accused can be compensated with costs.

Considering the fact and claim made in the complaint, it is deemed proper that the complaint should be decided on merits. There is one default only. Therefore, the impugned order is set aside. The complaint is restored to its original number, subject to payment of Rs.10,000/- as costs to the respondent-accused.

Appeal is allowed accordingly.

**14.11.2018**  
*gk*

**(Kuldip Singh)**  
**Judge**

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|-----------------------------|-----|
| Whether speaking/ reasoned: | Yes |
| Whether Reportable:         | No  |