

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

**CRA-AS-65 of 2017 (O&M)
Date of decision : September 7, 2018**

Rakesh Verma

... Appellant

VERSUS

Mr. Manak Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sachin Gupta, Advocate
for the appellant.

None for the respondent.

SURINDER GUPTA, J.(Oral)

Learned counsel for the appellant submits that appellant had filed three complaints which were fixed for 14.02.2015 before National Lok Adalat but no settlement took place and counsel for the complainant was given 05.03.2015 as the next date of hearing. On 05.03.2015, appellant had appeared before the Court concerned and found that only two cases were listed. On enquiry, it was found that this case was listed on 02.03.2015 and was dismissed in default due to non-appearance on behalf of the complainant. It is evident that the accused had also not appeared on 02.03.2015. The absence of the appellant before the Court on 02.03.2015 was not intentional but due to lack of communication. Even the accused was under the impression that the next date in this case was given as 05.03.2015

None has appeared on behalf of the respondent despite notice.

The submissions of learned counsel for the appellant appears to have merit. On 02.03.2015, even the accused was not present before the trial Court and other two cases which were taken up in National Lok Adalat

with this complaint were taken up by the Court on 05.03.2015. This lend support to the submission of learned counsel for the appellant that date noted in this case was 05.03.2018.

Keeping in view the above facts, this petition is allowed. Order dated 02.03.2015 is set aside and parties are directed to appear before the trial Court on 10.10.2018. The trial Court will take up the complaint file and initiate further proceedings in accordance with law.

September 07, 2018
Jyoti-II

(SURINDER GUPTA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>