

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.205

CRM-A-1717-MA-2015 (O&M)

Date of decision : 06.10.2018

Shri Ram Transport Finance Company Limited

..... Appellant

VERSUS

Jagdish Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. G.S. Sandhu, Advocate, for the appellant.

None for the respondent.

SUDHIR MITTAL, J. (Oral)

The appellant is the complainant. It had lent money to the respondent-accused. For re-payment of the loan amount, the respondent-accused issued a cheque, which was dis-honoured. Thus, a complaint under Section 138 Negotiable Instruments Act, 1881, was filed. Vide impugned order dated 06.08.2015, the evidence of the petitioner-complainant was closed and the respondent-accused was acquitted.

Learned counsel for the appellant submits that the head office of the appellant is at Chandigarh. The original loan documents were available in the head office and a messenger had been sent to get the same. Accordingly, a request was made to the trial Court to take up the matter after lunch, but the trial Court ignored the request and passed the impugned order. The complainant was present on the date the impugned order was passed and this fact is recorded in the said order.

The respondent has been served, but none has put in appearance on his behalf today.

Since, none has put in appearance on behalf of the respondent, the argument of learned counsel for the appellant has gone un-rebutted. The

appeal file also does not contain any material to show that the argument of learned counsel for the appellant is mis-placed or inaccurate. Thus, the appeal is allowed and impugned order dated 06.08.2015, is set aside. The complaint is restored to its original number and the trial Court is directed to decide the same on merit, in accordance with law.

(SUDHIR MITTAL)
JUDGE

06.10.2018
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No