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

**CRM-A-950-MA-2016
Date of Decision: 09.05.2018**

Sanya Enterprises

..... Petitioner

Versus

Krishna Engineering Works and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Manish Dadwal, Advocate,
for the petitioner.

Mr. Inderjeet Singh, Advocate,
for the respondents.

SUDIP AHLUWALIA J. (ORAL)

This appeal is directed against the impugned order dated 31.03.2016 (Annexure A-2), passed by the Court of Judicial Magistrate First Class, Panchkula, in a complaint case bearing No.380 dated 01.08.2013.

[2]. The matter was received on transfer from the Court at Delhi. It initially came up before the Ld. Trial Court on 02.03.2016, on which date there was a direction to issue notice upon the appellant/complainant for 31.03.2018.

[3]. On that subsequent date, however, the complaint was dismissed for non-prosecution. It was, however, not recorded by the Ld. Trial Court that service on notice in terms of the previous order had actually been effected upon the petitioner or not.

[4]. On scrutiny of the Lower Court Record, it is verified that no such notice was served, which is consistent with the petitioner's averment in

Paragraph No.2 of the Grounds of Appeal that he was not aware about the

date fixed in the Ld. Trial Court.

[5]. In view of the aforesaid circumstances, the present appeal is allowed after setting aside the impugned order.

[6]. The matter is now remanded back to the Ld. Trial Court with a direction to dispose off the original complaint in accordance with law as expeditiously as possible.

[7]. The parties are directed to appear before the Ld. Trial Court on 30.07.2018.

09.05.2018

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No