

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A-342-MA of 2015 (O&M)

Date of Decision: 29.05.2018

Rakesh Khatri

...Appellant

VERSUS

Sube Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.K. Tripathi, Advocate
for the appellant.

SURINDER GUPTA, J.(Oral)

CRM-6212-2015

Heard. There is delay of 109 days in filing the appeal.

In view of facts mentioned in the application, which is supported by affidavit, the same is allowed and delay of 109 days in filing the appeal is, hereby, condoned.

CRM-A-342-MA-2015

Heard.

Complaint filed by the appellant under Section 138 of Negotiable Instrument Act was dismissed on 30.08.2014 due to non-appearance of appellant-complainant.

Learned counsel for the appellant submits that earlier appellant had been regularly appearing in this case but he was not conveyed the date of 30.08.2014 by his counsel. When he enquired about next date from his counsel on 28.11.2014, he came to know that his complaint had already been dismissed. Non-appearance of appellant on 30.08.2014 was not deliberate or intentional but due to lapse on the part of his counsel.

Keeping in view submission of learned counsel for the appellant and for decision of complaint filed by appellant on merit, the instant appeal is allowed and order dated 30.08.2014 passed by trial Court is set aside.

Trial Court is directed to revive the complaint on its board and decide the same on merit. Complainant is directed to appear before the trial Court on 09.07.2018.

As learned counsel for respondent has not put in appearance today, learned Magistrate will procure presence of respondent in accordance with law.

May 29, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***