

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

(110) CRM-M-24922 of 2015 (O&M)
Date of Decision: 23.02.2018

Naurati Ram ...Petitioner
Versus

Rulda Ram and others ...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Vinay Pandey, Advocate, for the petitioner.
Mr. Diwan S. Adlakha, Advocate, for respondents no.2 to 5.

Amol Rattan Singh, J. (Oral)

By this petition, the petitioner seeks the setting aside of the order of the trial Court dated 19.01.2015, by which the complaint instituted by the petitioner, alleging therein the commission of offences punishable under Sections 323, 452, 506, 149 IPC, was dismissed for non-prosecution.

Upon notice issued, learned counsel appearing for respondents no.2 to 5 submits that no cogent reason for non-appearance on that date before the trial Court has been given even in the present petition, which simply states that because the mother of the counsel for the complainant (petitioner herein) was unwell, he could not appear.

Be that as it may, as per the impugned order, the complaint was dismissed simply on account of non-appearance of the complainant and his counsel on a single date, i.e. the date of the impugned order itself, 19.01.2015.

Consequently, the present petition is allowed and the impugned

order dated 19.01.2015 is set aside, with the complaint restored to its original status before the trial Court.

However, it is seen that the dispute before the trial Court is essentially within the immediate family, with respondent no.1 herein being the brother of the petitioner, respondent no.2 being the petitioners' son and respondent no.3 being his daughter-in-law; therefore, before the trial Court proceeds further, the petitioner and respondents no.1 to 5 would appear before the Mediation and Conciliation Centre in the District & Sessions Court, Yamunanagar, to try and reach an out of Court settlement.

23.02.2018
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned: Yes
Whether reportable: No