

**CRM-A-1768-MA-2018 in/and
CRA-AS-671-2018 (O&M)**

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

**CRM-A-1768-MA-2018 in/and
CRA-AS-671-2018 (O&M)
Date of decision:11.12.2018**

M/s Ganpati Feed Mills

.....Applicant-appellant

versus

Rathi Poultry Farm

....Respondent

**CRM-A-1866-MA-2018 in/and
CRA-AS-672-2018 (O&M)**

M/s Ganpati Feed Mills

.....Applicant-appellant

versus

Rathi Poultry Farm

....Respondent

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Parveen Sharma, Advocate for the applicant-appellant.

**Kuldip Singh, J. (Oral)
CRM-A-1768-MA-2018 and
CRM-A-1866-MA-2018**

Heard.

Leave to appeal is granted.

Registry is directed to assign the number of the appeals.

**CRA-AS-671-2018 and
CRA-AS-672-2018**

This order shall dispose of **CRA-AS-671-2018** titled as **M/s
Ganpati Feed Mills vs. Rathi Poultry Farm** and **CRA-AS-672-2018** titled

as **Ganpati Feed Mills vs. Rathi Poultry Farm**. For brevity, facts have been taken from **CRA-AS-671-2018**.

Impugned in the present appeal is against the order dated 29.05.2018, passed by learned Judicial Magistrate 1st Class, Sonapat vide which the complaint filed by the petitioner under Section 138 of the Negotiable Instruments Act was dismissed for non-filing of copy of the complaint. Perusal of the impugned order shows that on the said date, notice was ordered to be issued but notice could not be issued as copy of the complaint was not filed. Also on the earlier occasion, copy of the complaint was not filed.

Learned counsel for the appellant contends that his vital interest are involved and he want to contest the complaint on merits. He undertakes to file copy of the complaint before the trial Court on the next date of hearing.

It being so, accused had not appeared in this case, the said impugned order dated 29.05.2018, passed by learned Judicial Magistrate 1st Class, Sonapat, is hereby set aside on the payment of Rs.5,000/- each towards the District Legal Aid Fund, Sonapat as costs. The complaint is restored and copy of the complaint be filed before the trial Court. Let the trial Court proceed with the matter.

Appeals are accordingly allowed.

(KULDIP SINGH)
JUDGE

11.12.2018
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Whether speaking/ reasoned:
Whether Reportable:

Yes
No