

**CRM-A-2130-MA-2016 in/and  
CRA-AS-5980-2018 (O&M)**

**1**

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

**CRM-A-2130-MA-2016 in/and  
CRA-AS-5980-2018  
Date of decision:19.12.2018**

**Rajbala and another**

**.....Applicants-appellants**

**versus**

**M/s Kamboj Pesticide, Tohana**

**....Respondent**

**CORAM: Hon'ble Mr. Justice Kuldip Singh**

Present: Mr. S.S. Gill, Advocate for the applicants-appellants.

None for the respondent.

**\*\*\*\***

**Kuldip Singh, J. (Oral)**

**CRM-A-2130-MA-2016**

Despite service, none has appeared on behalf of the respondent.

Heard.

Leave granted.

Registry is directed to assign the number of the appeal.

**CRA-AS-5980-2018**

Heard.

Applicants-appellants have impugned the order dated 10.06.2016, passed by learned Judicial Magistrate, Ist Class, Tohana, vide which, complaint filed under Section 138 & 141 Negotiable Instrument Act was dismissed in default.

Learned counsel for the applicants-appellants contends that the complainant had died. The case was fixed for final hearing on the application filed by the LRs. On the said date, LRs could not appear and complaint was dismissed in default. Learned counsel contends that LRs seriously want to pursue the complaint.

In view of the matter, impugned order dated 10.06.2016, passed by learned Judicial Magistrate, Ist Class, Tohana, is set aside, subject to deposit of cost of Rs.5,000/- with the District Legal Aid Fund, Fatehabad. The complaint is restored to its actual number. Trial Court is directed to proceed with the complaint from the stage it was dismissed.

Accordingly, appeal is allowed.

**(KULDIP SINGH)  
JUDGE**

19.12.2018  
anju rani

|                             |     |
|-----------------------------|-----|
| Whether speaking/ reasoned: | Yes |
| Whether Reportable:         | No  |