

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

**CRM-A-557-MA-2016 and
CRA-AS-10-2019 (O&M)
Date of decision : 10.01.2019**

M/s Varun Beverages Ltd.

.....Applicant/Appellant

Versus

M/s Robin Cold Drinks and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr.Ashish Gupta, Advocate for the appellant
Ms.Anjali Rani, Advocate for
Mr.Saleem Ahmed, Advocate for respondent no.2

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (Oral)

Respondent no.2 has put in appearance.

Heard.

Leave to appeal granted.

Registry to assign the number of the appeal.

CRA-AS-10-2010 (O&M)

Vide order dated 18.1.2016, complaint filed by the complainant under Section 138 of Negotiable Instruments Act, 1881 titled as M/s Varun Beverages Ltd. vs. Robin Cold Drinks and another was dismissed for non-appearance of the complainant/appellant.

Learned counsel for the appellant contends that non-appearance was not willful and that he wants to pursue the complaint. As such, the impugned order dated 18.1.2016 passed by learned Judicial Magistrate 1st Class, Faridabad is set aside. Complaint is restored to its original number and same be proceeded in accordance with law subject to the complainant's depositing Rs.2000/- with the District Legal Aid Fund, Mewat.

10.01.2019

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned: Yes
Whether Reportable: No