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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-AS-2064-2017 (O&M)
Date of decision : 21.01.2019

M/s Krishna Automobiles

.....Appellant.

Versus

M/s D.P.Tubes Pvt. Ltd and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sandeep Verma, Advocate for appellant.

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)

Heard.

As per office report, notice issued to respondent No. 3 has been received back unserved with the report that respondent No. 3 is not residing at the given address.

A perusal of the orders of the trial Court dated 3.1.2018, passed by learned Judicial Magistrate Ist Class, Chandigarh shows that respondent No. 3 had appeared before the trial Court on the same address. But the complaint filed under Section 138 of the Negotiable Instruments Act, 1881, was dismissed for want of prosecution when the accused No. 3 was present but complainant-appellant failed to appear.

It comes out from the aforesaid interim orders that on the earlier dates, counsel had appeared, therefore, for one default, there was no justification for dismissing the complaint for want of prosecution.

As such, the impugned order dated 3.1.2018, passed by Judicial Magistrate Ist Class, Chandigarh is set aside. Case is remitted back to the trial Court for decision afresh on merits.

Petition stands allowed.

(KULDIP SINGH)
JUDGE

21.01.2019
preeti

Whether speaking / reasoned	Yes
Whether Reportable:	No