

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

CRM-M-32588-2018
Date of Decision:-12.4.2019

Manish Kakkar

... Petitioner

Versus

Samunder Fabricas Private Limited

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Zorawar Singh Chauhan, Advocate
for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court assailing order dated 21.2.2017 passed by learned Judicial Magistrate Ist Class, Ludhaina which has been upheld in revision petition vide order dated 21.2.2017 passed by learned Additional Sessions Judge, Ludhiana.
2. Respondent-M/s Samunder Fabricas Private Limited instituted a complaint under Section 138 of Negotiable Instruments Act against the petitioner alleging therein that a cheque issued by the petitioner for an amount of ₹1,43,042/- in discharge of legal liability, upon its presentation was dishonoured. The said complaint was however, filed beyond the prescribed period of limitation. The complaint was

required to be filed by 3rd November, 2016 but was filed on 6th December, 2016 accompanied by an application seeking condonation of delay. The said application was accepted by the learned Judicial Magistrate Ist Class, Ludhiana vide order dated 21.02.2017. The accused, aggrieved by the aforesaid order, challenged the same by way of filing revision petition which was dismissed, which has been impugned by way of filing this revision petition.

3. Learned counsel for the petitioner has submitted that the trial Court fell in error in accepting the application for condonation of delay when in fact no cogent reasons were forthcoming to justify condonation of delay. Learned counsel for the petitioner has submitted that the averments made in the application (Annexure P-2) to the effect that the accused had filed a vague reply in response to the notice and had thereafter initiated negotiations in order to unnecessary linger on the matter are not sufficient to condone the delay which was in excess of one month.
4. I have heard learned counsel for the petitioner. It is well settled that in such like matters the law has to be interpreted liberally basically to ensure that the cause of justice is advanced. In any case in the present case since it is the specific case of the complainant that some negotiations for compromise had been going on resulting in delay of one month, which in any case cannot be said to be a gross delay, in my opinion, the order condoning the delay cannot be said to be unjustified or perverse so as to warrant any interference. There is no

infirmity in the order and the same is hereby upheld. Consequently, the petition is sans merits and the impugned order passed by the learned Magistrate as well as passed by learned revisional Court are upheld. The petition being without any merit is hereby dismissed.

12.4.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No