

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42347-2019

Date of Decision: 03.10.2019

Manjit Kaur

.....Petitioner

Vs.

Rakesh Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Amandeep Singh Rai, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner challenges the order of the learned trial Court dated 03.10.2018 (Annexure P-12), and of the learned Revisional Court (dated 09.08.2019, Annexure P-14), by the first of which the application filed by the respondent-complainant seeking condonation of a delay of 78 days in re-filing the complaint under Section 138 of the Negotiable Instruments Act, has been allowed, essentially on the ground that earlier the complaint had been filed in a court at Ferozepur, but after the judgment of the Supreme Court (in **Dashrath Rup Singh Rathod** vs. **State of Maharashtra and another** 2014 (5) RCR (Crl.) 904 , 01.08.2014), holding to the effect that a complaint in such a case would be maintainable in the court as has jurisdiction over the place where the bank branch is located to which the cheque is presented by the drawee, the complaint was re-filed at Moga.

The reason for the delay given by the respondent was that he was unwell, though no medical certificate seems to have been annexed with the

application, as per the orders of the learned courts below.

The said application has, even so, been allowed by the trial court, with the revision filed by the petitioner also dismissed on 09.08.2019, leading to the filing of this petition.

Both the courts below having formed an opinion that limitation should not harm the valuable right of the complainant who had already been harassed on account of dis-honouring of the cheque, with the complaint earlier instituted at Ferozpur not having been filed beyond limitation in any case, I see absolutely no reason to entertain this petition, the reasoning given by those courts being wholly sound, in my opinion too.

Dismissed.

October 03, 2019
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes.