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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.L.P. 114/2016

M/S SAPPHIRE DIAMOND EXPORTS PRIVATE LIMITED

..... Petitioner

Represented by: Mr. Piyush Sharma, Mr. R.L.
Mahunta, Advs.

versus

M/S LILLIPUT KIDSWEAR LIMITED & ORS Respondent

Represented by: Mr. Shailesh Pandey, Adv. for Mr.
Vijay Agarwal, Adv. for R-2.

+ CRL.L.P. 122/2016

M/S SAPPHIRE DIAMOND EXPORTS PRIVATE LIMITED

..... Petitioner

Represented by: Mr. Piyush Sharma, Mr. R.L.
Mahunta, Advs.

versus

M/S LILLIPUT KIDSWEAR LIMITED & ORS Respondent

Represented by: Mr. Shailesh Pandey, Adv. for Mr.
Vijay Agarwal, Adv. for R-2.

+ CRL.L.P. 123/2016

M/S SAPPHIRE DIAMOND EXPORTS PRIVATE LIMITED

..... Petitioner

Represented by: Mr. Piyush Sharma, Mr. R.L.
Mahunta, Advs.

versus

M/S LILLIPUT KIDSWEAR LIMITED & ORS Respondent

Represented by: Mr. Shailesh Pandey, Adv. for Mr.
Vijay Agarwal, Adv. for R-2.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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05.02.2019

CrI.M.A. 3195/2016 in CRL.L.P. 114/2016

CrI.M.A. 3406/2016 in CRL.L.P. 122/2016

CrI.M.A. 3408/2016 in CRL.L.P. 123/2016

For the reasons stated in the applications delay in filing the leave to appeal petitions is condoned.

Applications are allowed.

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CRL.L.P. 122/2016

CRL.L.P. 123/2016

Having perused the order sheets of the learned Trial Court and the fact that these three complaints got de-tagged from the other similar complaints, which are pending trial, this Court deems it fit to grant leave to appeal.

Petitions are disposed of

CRL.A. _____ /2019 (Registry to number the appeal)

CRL.A. _____ /2019 (Registry to number the appeal)

CRL.A. _____ /2019 (Registry to number the appeal)

1. Admit.
2. Learned counsel for the appellant/ complainant contends that the appellant had filed more than 10 complaints relating to the dishonour of the cheques issued by the respondent pursuant to a rent agreement. All the complaints were being pursued diligently, however the present three complaints were not transferred. He states that the appellant's counsel was diligently pursuing the complaints and there was no default in appearance

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when other complaints were transferred to Patiala House and then back to Saket but as these three complaints were not transferred, the appellant missed out in pursuing these three complaints and thereby non-appearance of the appellant.

3. He states that the other complaints are still pending and are being pursued and the official liquidator is appearing in the other complaints. He further states that vide order dated 27th July, 2015 while dismissing the three complaints under Section 138 of the Negotiable Instruments Act for non-prosecution, the learned Trial Court itself noted that the lawyers were abstaining from work. Thus complaints ought not have been dismissed.

4. Considering the fact that the appellant had been diligently following the complaints and the present three complaints got de-tagged from the other ones resulting in their non-prosecution, this Court deems it fit to allow the appeals and restore the complaints to their original positions. Consequently the three complaint cases being CC No. 1608/1, 545/1 and 45/1 titled as “*M/s. Sapphire Diamond Exports Private Limited Vs. M/s. Lilliput Kidswear Limited & Ors.*” are restored to their original position. Parties are directed to appear before the learned Trial Court on 11th March, 2019.

5. Appeals are disposed of.

MUKTA GUPTA, J.

FEBRUARY 05, 2019

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