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

+ CRL.M.C. 4028/2018 and Crl. M. A. 29726/2018

C C MARUTHI REDDY Petitioner
Through Mr. Vaibhav Sharma, Advocate

versus

HOLY FAITH INTERNATIONAL PVT LTD. Respondent
Through Mr. Tarun Khanna, Advocate

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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06.02.2019

Learned counsel for the respondent submits that no reply is to be filed.

Arguments heard and material placed on record has been perused.

On 6th January, 2018, opportunity of petitioner to file an application under Section 145 (2) of the Negotiable Instruments Act, 1881 (the 'Act', for short) was closed by the trial court. However, perusal of order dated 9th February, 2018, passed by the learned trial court, shows that the said application was indeed filed on 6th January, 2018, probably after the opportunity of petitioner to file the application was closed. Since, the application was filed on 6th January, 2018 itself, the Revisional Court ought to have entertained it on its merits instead of going into technicalities of

delay. As regards delay in trial is concerned, the respondent could have been compensated in terms of costs.

Accordingly, in the interest of justice, petition is allowed and petitioner is granted opportunity to cross examine CW-1, subject to payment of costs of ₹25,000/- to be paid to the respondent on the next date of hearing before the trial court.

Petition stands disposed of in the above terms. Miscellaneous application is disposed of as infructuous.

Dasti.

A.K. PATHAK, J

FEBRUARY 06, 2019

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