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

- + CRL.M.C. 4335/2017
M/S SNS FRESH Petitioner
Through Mr. Anil Chhabra, Adv.
versus
M/S SOUTH ASIAN HOSPITALITY SERVICES & ORS
..... Respondent
Through Mr. V P Singh, Adv
- + CRL.M.C. 4336/2017
M/S SNS FRESH Petitioner
Through Mr. Anil Chhabra, Adv
versus
M/S SOUTH ASIAN HOSPITALITY SERVICES & ORS
..... Respondents
Through Mr. V P Singh, Adv
- + CRL.M.C. 4338/2017
M/S SNS FRESH Petitioner
Through Mr. Anil Chhabra, Adv
versus
M/S SOUTH ASIAN HOSPITALITY SERVICES & ORS
..... Respondents
Through Mr. V P Singh, Adv
- + CRL.M.C. 4340/2017
M/S SNS FRESH Petitioner
Through Mr. Anil Chhabra, Adv
versus
M/S SOUTH ASIAN HOSPITALITY SERVICES & ORS
.... Respondents
Through
- + CRL.M.C. 4342/2017
M/S SNS FRESH Petitioner
Through Mr. Anil Chhabra, Adv

versus
M/S SOUTH ASIAN HOSPITALITY SERVICES & ORS
..... Respondents
Through Mr. V P Singh, Adv

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER
% **16.10.2019**

Admitted facts of the case are that a complaint under Section 138 Negotiable Instruments Act, 1881 was filed in Rohini Courts and due to amendment in the NI Act, the complaint case was returned on 05.11.2014 by the Ld. MM, Rohini Courts, Delhi and ultimately the case was assigned to Saket Courts, New Delhi on 04.12.2014, however, the petitioner/ complainant did not appear. Thereafter, the case was fixed for 31.01.2015 for consideration but on the said date also the petitioner/ complainant did not appear. Thereafter, the matter was fixed on 02.05.2015 and on the said date the petitioner appeared before the Court. However, lawyers were abstaining from work on that day, matter could not be taken up and was further posted for 03.08.2015. On the said date also none appeared for the petitioner and the matter was adjourned to 10.09.2015. The petitioner appeared on said date and the learned Trial Court directed the petitioner to file affidavit by giving details of the banks so that jurisdictional issue could be ascertained and the matter was posted for 19.11.2015. Neither any affidavit to that effect was filed by the petitioner nor anyone appeared on his behalf on the said date, thus the learned Trial Court had no option but to dismiss the complaint.

Having aggrieved, the petitioner filed revision petition and the same

was dismissed on 14.03.2017.

However, the present petition has been filed in October, 2017, i.e., after more than one year of the dismissal of the revision petition.

In view of the above facts, it is established that the petitioner/ complainant has been appearing in the Court at his leisure and pleasure and did not pursue the complaint case properly which is established by the fact that the complaint filed in the year 2014 and was dismissed on 19.11.2015, however, no summons had been issued against the respondent/ alleged accused during the said period.

Thus, in view of the above facts, I find no reason to revive the complaint. The present petition is accordingly dismissed.

SURESH KUMAR KAIT, J

OCTOBER 16, 2019

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