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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.37223 of 2021 (O&M)

Date of decision: 15.12.2021

B.E. Contracts Private Limited and others

....Petitioners

Versus

M/s Valco Industries Limited

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vivek Sheoran, Advocate
for the petitioners.

Mr. Parmod Kumar Chauhan, Advocate
for the respondent.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting-aside the order dated 19.04.2021 (Annexure P-12), vide which the application filed by the petitioners for compounding the case bearing No.NACT-5578 of 2020 dated 10.08.2020 titled as “M/s Valco Industries Limited vs B.E. Contracts Private Limited and others” filed under Section 138 of the Negotiable Instruments Act, 1881, has been dismissed and further to grant exemption to the petitioners from personal appearance before the trial Court.

Counsel for the petitioners has argued that on different dates, the entire amount has been paid to the respondent/Company.

This fact is not disputed by counsel appearing for the respondent that the entire amount has been paid.

In view of the above, the present petition is allowed and the impugned order dated 19.04.2021 (Annexure P-12) is set-aside and

the matter is remanded back to the trial Court to decide the same afresh, in accordance with law, considering the fact that the entire amount has been paid to the respondent/Company.

The trial Court is directed to dispose of the said application preferably within a period of 03 months from the date of receipt of certified copy of this order.

Till the time, the application for compounding the offence is decided, liberty is granted to the petitioners to appear through their counsel and their personal appearance shall remain exempted.

However, it will be open for the trial Court to recall the order granting exemption from personal appearance at any stage and the petitioners shall appear before the trial Court on any substantive date when their personal appearance is required.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

15.12.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No