

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

307

CRM-M-7221-2022
Decided on: 20.04.2023

M/s C.P. Jain Metal through its Propreitor

.....Petitioner

Vs.

M/s Sidhu Industries and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sandeep Arora, Advocate for the petitioner.

 Mr. Bhawesh Chaudhary, Advocate
 for the respondents.

ANOOP CHITKARA J.

Criminal Complaint	No. NACT/3347/2018 instituted on 04.06.2018 titled as M/s C.P. Jain Metal versus M/s Sidhu Industries and another, under Section 138 of the Negotiable Instruments Act, District Jalandhar.
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Feeling aggrieved by the trial court's order, dismissing the complaint in default due to the complainant’s non-appearance, the complaint has come up before this Court by filing the above-mentioned petition.

2. A perusal of the file shows that when the matter was taken up on 30.07.2019, the matter was adjourned for 17.09.2019 but the petitioner wrongly noted as 14.11.2019. Thereafter on 17.09.2019, the learned JMIC, Jalandhar, dismissed the complaint in default by presuming that the complaint was not interested to pursue it. An application for restoration of the same was filed and the trial Court dismiss the same vide order dated 13.12.2021.

3. The explanation offered by the complainant in paragraphs of this petition is that the non-appearance was due to misunderstanding. By the time the complaint’s counsel checked the case, it had already been dismissed.

4. Considering the facts and circumstances peculiar to this case, the petition is allowed and the impugned order dated 17.09.2019 as well as 13.12.2021 are hereby set aside and let the trial proceed further in accordance with law. All pending application(s), if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

20.04.2023
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Whether speaking/reasoned: Yes
Whether reportable: **No.**