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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M No.43072 of 2014 (O&M)

Date of decision: 08.12.2022

Balwinder Singh and others

....Petitioners

Versus

Punjab State Warehousing Corporation and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.P.S. Sarao, Advocate
for the petitioners.

Ms. Paramjit Kaur, Advocate
for Ms. Khushbir Kaur Bhullar, Advocate
for the respondents.

ARVIND SINGH SANGWAN J. (Oral)

CRM-7924-2019

Prayer in this application is for recalling the order dated 21.02.2019 whereby the main petition has been dismissed for non-prosecution.

Notice of the application to counsel opposite.

Ms. Paramjit Kaur, Advocate, who is present in the Court accepts notice on behalf of the non-applicants/respondents and has got no objection.

Heard.

In view of averments made in the application supported by an affidavit of the applicant/petitioner No.1, the application is allowed, order dated 21.02.2019, is recalled and the main petition is ordered to be restored to its original number.

CRM-M-43072-2014 (O&M)

Prayer in this petition is for quashing of complaint No.303 dated 06.03.2012 filed under Section 138 of the Negotiable Instruments Act and all other subsequent proceedings arising therefrom including the summoning order dated 07.03.2012 and order dated 11.02.2014 passed by the trial Court as well as the order dated 07.10.2014, passed by Additional Sessions Judge, Patiala.

The only argument raised by counsel for the petitioner is that there is no specific averment in the impugned complaint in terms of Section 141 of the Negotiable Instruments Act as to whether the petitioners were either Incharge of the day-today working of M/s. Arno Rice & General Mills or they are the signatory.

Counsel for the petitioner further submitted that since the case is now reached at the stage of final arguments before the trial Court, this petition may be disposed of with liberty to the petitioner to raise all the available pleas/defences, before the trial Court, during the course of trial.

Disposed of accordingly, with liberty aforesaid.

The trial Court will consider the submissions with regard to the objection under Section 141 of the Negotiable Instruments Act.

(ARVIND SINGH SANGWAN)
JUDGE

08.12.2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No