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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.57342 of 2022 (O&M)

Date of decision: 08.12.2022

Usha Rani

....Petitioner

Versus

Gurmail Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Kamlesh, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting-aside the order dated 21.10.2022, vide which the complaint of the petitioner was dismissed for want of prosecution as the petitioner could not supply the correct address of the respondent/accused.

Brief facts of the case are that the petitioner Usha Rani has filed a complaint under Section 138 of the Negotiable Instruments Act on account of dishonouring of a cheque of Rs.5.00 lacs issued by the respondent Gurmail Singh.

A perusal of the impugned order would show that this complaint is pending since 2017 and the summoning order was passed on 11.08.2017 but till date, on account of non-supplying of the correct address of the accused, the accused could not be summoned.

Counsel for the petitioner has further submitted that now the petitioner has procured the correct address of the respondent/accused and will be supplied before the trial Court within a

period of 10 days from today and will also take *dasti* process for summoning the accused.

In view of the above, issuance of notice of motion is dispensed with as at no point of time, the accused had put in appearance before the trial Court. Accordingly, the present petition is allowed and the order dated 21.10.2022, is set-aside and the impugned complaint is restored back to its original number, subject to the condition that the petitioner will furnish the correct address of the respondent/accused within a period of 10 days from today and will also take *dasti* summons for effecting service upon the respondent/accused.

Disposed of.

The petitioner is directed to appear before the trial Court on or before the 19.12.2022.

(ARVIND SINGH SANGWAN)
JUDGE

08.12.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No