

under the provisions of Order 37 of the Code of Civil Procedure but it was considered as a regular suit. The High Court of Jammu and Kashmir has directed to treat the suit as summary suit only. Para 9 mentions that there was a complaint filed under section 138 of NI Act and that criminal complaint was closed in view of death of accused-Smt.Swaraj Madanlal Anand, whereas the suit was filed against his LRs. The issue involved in that matter was whether the summary suit on the basis of cheque is maintainable against LRs of the deceased drawer. It was held maintainable.

3. I am afraid that this Court can make certain observations about maintainability of the suit. At the most the Appellant can show those observations to the Court before whom, the Appellant will file the Civil suit.

4. With these observations this Appeal is disposed of as abated.

[S. M. MODAK, J.]