

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

CRM-M-369 of 2023

Date of Decision:06.01.2023

Aman Motors

.....Petitioner

Vs.

Jagdish Kumar

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Mohit Kakkar, Advocate for the petitioner.

DEEPAK GUPTA, J.

After recording the preliminary evidence, process against the accused- respondent was issued by the Court of learned JMJC, Sirsa on the complaint of petitioner under Section 138 of NI Act and the accused was directed to be summoned for 05.12.2022. On the adjourned date of 05.12.2022, the summons sent to the accused were received back duly served but he did not appear. However, at the same time, as the complainant did not appear on that date, the complaint was dismissed for want of prosecution. It is against this order that this revision is filed. It is submitted by the petitioner that marriage of his sister was fixed for 07.12.2022 due to which he was not in a position to appear in the Court on 05.12.2022 . He had asked his counsel to intimate in this regard to the Court but his counsel did not appear, so without providing any opportunity, the complaint was dismissed.

Considering the facts and circumstances as above, the impugned order dismissing the complaint for want of prosecution is hereby

set aside. The learned trial Court is directed to restore the complaint to its original number and proceed further in accordance with law.

Disposed of.

January 06, 2023	(DEEPAK GUPTA)
renu	JUDGE
Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No