

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCp-3443-2018 (O&M)
Date of decision: 28.03.2023

Gurmail Singh
.....Petitioner

Vijay Kumar
.....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Mukand Gupta, Advocate
for the petitioner.

Mr. A.S. Manaise, Advocate
for the respondent.

ARVIND SINGH SANGWAN J. (Oral)

The petitioner alleges violation of the order dated 12.12.2015 passed by the Presiding Officer, Lok Adalat, vide which in a complaint filed under Sections 138/142 of the Negotiable Instruments Act, filed by the petitioner Gurmail Singh, the respondent Vijay Kumar had suffered the statement that he will make the payment in installments and accordingly, the complaint was dismissed as withdrawn.

Counsel for the petitioner submits that on account of a default by the respondent, he has moved the application for revival of the said complaint, however the same was dismissed on 27.08.2018, holding that the Court cannot restore the criminal complaint dismissed as withdrawn.

Both the parties are in agreement that the main complaint be revived.

Accordingly, the present petition is disposed of; the orders dated 12.12.2015 and dated 27.08.2018 are set-aside and the matter is remitted back to the Sub-Divisional Judicial Magistrate, Zira for deciding the complaint, in accordance with law.

Considering the fact that the case pertains to the year 2014, the trial Court is directed to dispose of the same expeditiously within a period of 09 months from today.

The parties will appear before the trial Court on 17.04.2023 at 10:00 AM.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

28.03.2023
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No