

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-461-2023 (O&M)
Date of Decision: 15.03.2023

Balwinder Singh @ Kaku

..... Petitioner

Versus

Kapoor Jewellers

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Ramandeep Singh, Advocate
for the petitioner.

HARSH BUNGER J. (ORAL)

Prayer in the present petition is for setting aside the order dated 03.01.2023, passed by the Court of Additional Chief Judicial Magistrate (Senior Division), Garhshankar, in Complaint Case bearing CIS No. NACT-182-2020 dated 09.12.2020, titled as ***“Kapoor Jewellers Vs. Balwinder Singh @ Kaku”***, whereby the petitioner has been directed to deposit interim compensation to the tune of 20% of the cheque amount in question in favour of the respondent herein.

On 17.02.2023, the following pre-emptory order was passed by this Court:-

“Present petition is filed seeking setting aside of order dated 03.01.2023, passed by the Additional Chief Judicial Magistrate (Senior Division), Garhshankar, in Complaint Case bearing CIS

No. NACT-182- 2020 dated 09.12.2020, titled as “Kapoor Jewellers Vs. Balwinder Singh @ Kaku”, whereby the petitioner has been directed to deposit interim compensation to the tune of 20% of the cheque amount in question in favour of the respondent herein.

Learned counsel for the petitioner, inter alia, contends that the trial Court has erred in directing the petitioner to deposit the interim compensation to the tune of 20% of Rs.19,00,000/-, i.e. the cheque amount in question, which becomes Rs.3,80,000/-, in favour of the respondent. Learned counsel submits that while protecting his rights as per outcome of this revision petition, the petitioner is ready and willing to deposit 10% of the cheque amount in question, i.e. Rs.1,90,000/-, as interim compensation, in favour of the respondent, before the trial Court.

Notice of motion for 15.03.2023.

In the meanwhile, the petitioner is directed to deposit 10% of the cheque amount in question, i.e. Rs.1,90,000/-, as interim compensation, favouring respondent/complainant (Kapoor Jewellers), in the form of Demand Draft within a period of three weeks from today, before the trial Court, and the payment of balance amount of the interim compensation, i.e. Rs.1,90,000/-, in terms of order dated 03.01.2023, passed by the trial Court, shall be kept in abeyance.

It is made clear that failure on the part of petitioner to comply with the aforesaid direction of depositing 10% of the cheque amount in question, as interim compensation, in favour of the respondent before the trial Court, would entail implementation of order dated 03.01.2023, passed by the trial Court, in its true letter and spirit.”

Today, learned counsel for the petitioner has submitted that the petitioner has not deposited the requisite 10% of the cheque amount in question, as directed by this Court, vide aforesaid order dated 17.02.2023.

In view of the aforesaid submission made by learned counsel

for the petitioner, the present petition is dismissed for non-compliance of order dated 17.02.2023 passed by this Court.

All pending application(s), if any, shall also stand closed.

15.03.2023

Apurva

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No