

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

**CRM-A-863-MA-2018
DECIDED ON: 05.05.2023**

M/S OM SHREE GITA INDUSTRIES LTD

.....PETITIONER

VERSUS

NUWAY ORGANIC NATURALS (INDIA) LTD

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. D.K. Singal, Advocate for
Mr. Rahul Garg, Advocate
for the appellant.

SANDEEP MOUDGIL, J (ORAL)

The challenge in the instant petition before this Court has been made to the order dated 26.02.2018 passed by Judicial Magistrate Dhonuchak, whereby the complaint under Section 138 of the Negotiable Instruments Act No. 579/2015, was dismissed on account of non-appearance from the side of the complainant after the case being recalled several times.

The instant appeal was filed immediately thereafter as evident from the memo of parties dated 22.03.2018 without any delay and hence this Court deems it appropriate and is convinced on the part of the complainant to be vigilant enough and deserves another opportunity to get the adjudication of the complaint on merits.

Considering the aforesaid facts and circumstances as discussed hereinabove, the appeal is allowed and trial Court is directed to adjudicate the matter and the case is remanded back for fresh adjudication on the merits of trial Court subject to the payment of Rs.20,000/- to be deposited in the Widows Welfare Fund created by Bar of Punjab and Haryana High Court and receipt of the same shall be produced before the trial Court prior to the beginning of the proceedings before that Court.

05.05.2023

Lavisha

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>