

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

(116)

**CRM-M-11411 of 2023
DATE OF DECISION:-18.04.2023**

M/s Shree Sarsainath Trading Company through its proprietor Sanjay Kumar
...Petitioner

VS.

Galaxy Agro Foods International through its partners and others
...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. P. K. Ganga, Advocate, for the petitioner.

HARKESH MANUJA, J.

(1) By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of order dated 19.11.2014 passed by the learned JMIC Sirsa whereby, Complaint No. NACT/2020/2013 filed at the instance of petitioner was dismissed on account of its non-appearance.

(2) In the present case, on account of dishonour of cheque No.027772 dated 22.05.2023 amounting to Rs.2 Lakhs, aforementioned complaint was filed at the instance of petitioner before the trial Court on 26.10.2016, wherein, the respondent was summoned. During pendency, on account of non-appearance of the petitioner, the complainant was ordered to be dismissed in default on 19.11.2014. It is the said order which has been impugned by way of present petition after a period of more than 8 years.

(3) Learned counsel for the petitioner submits that the non-appearance before the trial Court was in fact an act of negligence on the part of counsel which resulted into passing of the impugned order. Learned counsel also submits that on account of fault on the part of the counsel, the petitioner cannot be made to suffer.

(4) I have heard learned counsel for the petitioner and gone through the paper book. I am unable to find any substance in the submissions made on behalf of the petitioner.

(5) In the present case, the impugned order was passed way back in the year 19.11.2014 and a period of more than 8 years have gone by since then and thus, the entire fault cannot be solely attributed to the counsel. The petitioner being the complainant was in fact required to be vigilant enough to pursue the complaint as a prudent litigant by making an effort to inquire about the status of the complaint. In the facts and circumstances of the present case filing of the present appeal after a period of more than eight years is in fact an afterthought just to revive the stale claim against which all the other remedies in law have now become barred by limitation by intending to unsettle the settled.

(6) In view of the discussion made hereinabove, finding no merits in the present petition, the same is hereby dismissed.

18.04.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No