

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

**CRM-M-10043-2023
Date of Decision: 24.02.2023**

**M/S BHAI INDUSTRIES PVT LTD AND ANOTHER
... PETITIONERS**

V/S

**PUNJAB NATIONAL BANK
... RESPONDENT**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Nitin Thatai, Advocate for the petitioner.

Mr. C.S.Pasricha, Advocate for
Mr. Sushil K. Bhardwaj, Advocate for the respondent.

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VIVEK PURI, J. (ORAL)

The petitioner has assailed the order dated 09.01.2023 passed by the learned trial Court vide which the petitioner has been directed to pay 10% of the amount of the cheque in dispute as per the provisions of Section 143-A of the Negotiable Instruments Act.

Learned counsel for the petitioner contends that the impugned order has been passed without considering the contentions raised by the petitioner in the reply submitted in the trial Court and no reasonable grounds are made out to direct payment of interim compensation.

Notice of motion.

Mr. C.S.Pasricha, Advocate appearing for Mr. Sushil K. Bhardwaj, Advocate accepts notice on behalf of the respondent and contends that no specific reasons are required to be recorded by the trial Court.

However, learned counsel for both the parties are *ad idem* that as the objections as raised by the petitioner in the reply submitted to the application under Section 143-A CPC have not been considered by the learned trial Court, the matter may be remitted to the trial Court to decide the application under Section 143-A IPC afresh after considering the contentions put forth by the petitioner in the reply.

In these set of circumstances, the petition is disposed of with a direction that the learned trial Court shall decide the matter afresh after hearing the parties and considering the respective pleas raised in the application and reply, in accordance with law and the impugned order dated 09.01.2023 will not be given effect. Learned trial Court will look into the feasibility of expeditious disposal of the application.

24.02.2023

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No