

2023:PHHC:091811
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-1223-2016
Date of Decision: 20th July, 2023

Rakesh	...	Petitioner
	Versus	
Rajbir and others	...	Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Lalit Yadav, Advocate for
Mr. S.R. Hooda, Advocate for the petitioner.
Mr. Rajesh Lamba, Advocate for the respondents.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 482 Cr.P.C is filed seeking quashing of order dated 9.10.2014 dismissing the complaint in default, order dated 19.5.2015 dismissing the revision in default and order dated 11.9.2015 refusing to restore the revision respectively.
2. Learned counsel for the petitioner submits that petitioner had to suffer due to conduct of his counsel. Due to his non-presence, the petitioner could not avail remedy and his complaint and revision were dismissed without being heard on merits.
3. Learned counsel for the respondents opposes the prayer.
4. It is settled law that the party should not be made to suffer due to the conduct of the counsel, reference in this regard is made to the decision of the Supreme Court in **Rafiq and another v. Munshilal and another, AIR 1981 SC 1400**. In view of the factual position and law cited above, more so the petitioner was deprived of the legal remedy without being considered on merits, the impugned orders are set aside and the matter is restored before the Court concerned for considering the complaint on merits.
5. Petition is disposed of
6. Since the main case has been disposed of the pending application(s), if any is rendered infructuous.

**(AVNEESH JHINGAN)
JUDGE**

20th July, 2023