

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

CRM-M-12889-2023
Date of Decision: 16.03.2023

M/S SAI TRADING COMPANY .. PETITIONER
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

VIVEK PURI, J.(ORAL)

The petitioner is seeking to quash the order dated 13.02.2023 passed by the court of learned Judicial Magistrate 1st Class, Kurukshetra in the execution petition titled as M/s Jai Kishan Traders Vs. Sai Trading Co and anr, vide which proclamation proceedings have been initiated against the petitioner.

Learned counsel for the petitioner contends that respondent No.2 had instituted a complaint under Sections 138 and 142 of the Negotiable Instruments Act against the petitioner on account of dishonour of a cheque of Rs.6,50,000/-. With the intervention of the Lok Adalat, the dispute was amicably settled in terms of the Award dated 01.09.2017 and the parties had agreed to settle the dispute on payment of Rs.6,50,000/- by the petitioner to respondent No.2. However, the petitioner could not pay the said amount and subsequently, the matter was again settled between the parties. Subsequently, in terms of the order dated 23.05.2022, it was settled that the petitioner shall pay a sum of Rs.8 lac to respondent No.2. The payment was to be made as per the following schedule:

*“Rs.2 lac to be paid on 15.07.2022
Rs. 3 lac to be paid on 30.09.2022 and
Rs. 3 lac to be paid on 31.10.2022.”*

Learned counsel for the petitioner further contends that a sum of Rs.3 lac has already been paid and the balance amount of Rs.5 lac remains to be paid. It has been specifically and categorically stated that even till date, the complainant is ready and willing to amicably settle the dispute on payment of Rs.8 lac (inclusive of cheque amount). It has also been submitted that next date of hearing in the trial Court is 19.03.2023 and the proclamation has not yet been effected. The petitioner undertakes to pay a sum of Rs.3 lac to respondent No.2 on 19.03.2023 and the balance amount of Rs.2 lac shall be paid on or before 15.04.2023.

In these set of circumstances, the present petition is disposed of with a direction that the impugned order will not be given effect in the event, the petitioner pays a sum of Rs.3 lac to respondent No.2 on 19.03.2023 and the balance amount of Rs.2 lac on or before 15.04.2023. However, this order is not to be construed as an expression of opinion that the entire claim of respondent No.2 stands settled, which aspect is to be looked by the Executing Court, as per the stand of the parties that may be taken before it.

The petition is being disposed of without issuance of notice to the respondents to avoid unnecessary delay of the matter in the Executing Court.

16.03.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No