

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

Sr. No.201

CRM-M-54493-2018

Date of Decision : February 09, 2023

Rajesh Kumar

...Petitioner

Versus

DS Exhibitions & Stands LLP

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Kanwar Abhay Singh, Advocate for
Mr. Govind Rana, Advocate, for the petitioner.

Mr. Vikrant Rana, Advocate, for respondent.

SUDHIR MITTAL, J. (ORAL)

This petition has been filed for quashing of order dated 01.12.2018 whereby defence evidence of the petitioner in a complaint filed under Section 138 of Negotiable Instruments Act, 1881 has been closed by order.

Learned counsel for the petitioner has submitted that only two effective opportunities were granted to the petitioner before 01.12.2018. Thus, closure of the evidence by order on the third date was too harsh. The petitioner needs only one opportunity to produce his entire evidence.

Learned counsel for the respondent submits that grant of three opportunities to the petitioner was adequate. If he can produce his entire evidence on one date now he could have done so easily before the order of closure of his evidence was passed. Thus, it is evident that the petitioner has intentionally delayed the completion of the trial.

The submission made on behalf of the respondent is well founded. If the petitioner can produce his entire defence evidence now on

one date, he could have easily done so earlier as well. Presently, because of an interim order passed by this Court, the trial has been delayed by five years. Thus, the complainant deserves to be adequately compensated.

The cheque amount is Rs.1,50,000/- and thus, I deem it appropriate to quash the impugned order dated 01.12.2018 subject to payment of costs of Rs.10,000/- to the respondent. Parties are directed to appear before the trial Court on 17.02.2023 on which date costs shall be paid. Thereafter, the trial Court shall fix a date for leading the defence evidence and no further opportunity shall be granted.

Petition stands disposed of.

February 09, 2023

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No