

113 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-16533-CWP-2023 in/and
CWP-14546-2023 (O&M)
Date of Decision: November 15, 2023

RAJ KUMAR NAGAR Petitioner

Versus

UNION BANK OF INDIA AND ANOTHER Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: None for the petitioner.

Mr. D.K. Gupta, Advocate for the respondent – Bank.

LISA GILL, J.

CM-16533-CWP-2023

Prayer in the application is for placing on record affidavit
alongwith Annexures R1 to R5. Same are taken on record subject to just
exceptions.

Application is, accordingly, disposed of.

CWP-14546-2023 (O&M)

1. Prayer in this writ petition is for quashing notice dated
03.05.2023 (Annexure P3) whereby symbolic possession of the property has
been taken.

2. Argument raised on behalf of the petitioner before this Court on
12.07.2023 was that entire amount due had been deposited as is reflected in
order dated 09.01.2023 passed by learned Judicial Magistrate First Class,

Sirsa in a complaint under Section 138 of Negotiable Instruments Act (for

short – ‘the Act’) filed by respondent – Bank. Entire cheque amount of ₹4,50,000/- alongwith compensation, it is pleaded, had been deposited but respondent – Bank was still pursuing the matter for recovery of an amount which was no longer due.

3. Learned counsel for the respondent – Bank on 31.08.2023 had apprised that complaint under Section 138 of the Act was infact withdrawn on account of inadvertent mistake. It was another pending complaint pertaining to another person of same name i.e. Raj Kumar but son of Satbir Singh, which was to be withdrawn. Said complaint was duly withdrawn but complaint against petitioner i.e. Raj Kumar son of Harsukh Ram was also withdrawn inadvertently. Affidavit dated 20.09.2023 of Sh. Ravi Darshan Topal, Branch Manager, Union Bank of India, in this respect has been filed wherein it is further stated that appropriate application in this respect has now been filed before the concerned Court.

4. Today, despite the matter being called twice, none appears on behalf of the petitioner. It seems that petitioner is not interested in pursuing the matter any longer.

5. Accordingly, present writ petition is dismissed in default and for non-prosecution.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

November 15, 2023
rts

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