

241 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:118505  
CRM-A-938-2022  
Date of Decision: September 11, 2023

Pardeep Kumar

... Applicant-appellant

Versus

Vikas Saini and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

**Present:-** Mr. K.B. Sidhu, Advocate for the applicant-appellant.

None for respondent No.1.

DEEPAK GUPTA, J.(Oral)

Although respondent No.1 was present in person on the last date of hearing, but today there is no representation on behalf of respondent No.1.

Heard.

Complaint bearing No. NACT-437 of 2019, titled as *“Pardeep Kumar v. Vikas Saini”* was pending before learned Judicial Magistrate 1<sup>st</sup> Class, Kurukshetra, when it was dismissed for want of prosecution, vide order dated 26.09.2022.

Learned counsel for the applicant-appellant contends that dismissal order took place because of wrong noting of date, inasmuch as the counsel for the complainant had noted the date as 28.10.2022 instead of 26.08.2022. Thereafter, notice was sent by the Court for 26.09.2022, which was found unserved as the house of the complainant-appellant was locked. It is rightly pointed out by the counsel for the applicant-appellant that the applicant-appellant was not served as his house was found to be locked and the impugned order has been passed in hurry.

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In view of the aforesaid factual position, but without commenting anything on the merits of the case, the impugned order dated 26.09.2022 is hereby set aside. The Trial Court is directed to restore the complaint at its original number and proceed further in accordance with law. The applicant-appellant shall appear before the Trial Court on 03.10.2023.

Disposed of.

**September 11, 2023**

sarita

**(DEEPAK GUPTA)**  
**JUDGE**

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No