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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 5165/2022**

BHARGAVA COMMERCIAL PVT LTD. Petitioner

Through: **Mr.Arpit Bhargava and Mr.Pankaj,
Advocates**

versus

KUNAL ADVERTISING PVT LTD AND ORS. Respondents

Through: **Mr.Digam Singh Dagar, APP for the
State.
Respondent no.2 in person.**

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Date of Decision: 14.03.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. This is a petition seeking restoration of CC No. 536122/2016 titled as ***Bhargava Commercial Pvt. Ltd. vs. Kunal Advertising Pvt. Ltd. and Anr.***
2. The complaint of the petitioner under Section 138 Negotiable Instruments Act was dismissed in default for the non-appearance of the petitioner by the learned MM-07, (NI Act), Central, Tis Hazari Court, Delhi vide order dated 25.06.2022.

3. Learned Counsel for the petitioner submits that the default on the part of the petitioner was not wilful and was accidental due to circumstances beyond his control as he was under the impression that the courts were functioning in a restricted manner due to Covid-19 Pandemic.
4. Respondent no.2 is present in court. He states that he has no objection if the present petition is allowed and the complaint case being CC 536122/2016 titled as *Bhargava Commercial Pvt. Ltd. vs. Kunal Advertising Pvt. Ltd. and Anr.* dismissed in default on 25.06.2022 is restored to its original number.
5. In view of the above, the petition is allowed, order dated 25.06.2023 is set aside and the complaint case being CC 536122/2016 titled as *Bhargava Commercial Pvt. Ltd. vs. Kunal Advertising Pvt. Ltd. and Anr.* is restored to its original number.
6. It is made clear that this court has not gone into the merits of the case and any expression made herein shall not tantamount to be an expression made on the merits of the case.
7. Parties are directed to appear before the learned trial court on 24.03.2023.
8. Present petition is disposed of in above terms.

DINESH KUMAR SHARMA, J

MARCH 14, 2023

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