



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

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**CRR No.1392 of 2024
Date of decision : 29.7.2024**

Krishan Pal**.....Petitioner****Versus****Singh Raj****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Satish Chaudhary, Advocate, for the petitioner

SANDEEP MOUDGIL, J (ORAL)

This revision petition has been preferred assailing the order dated 8.7.2024 passed by the Additional Sessions Judge, Gurugram, whereby the application of the petitioner seeking waiver of condition to deposit 20% of the compensation amount in question, has been declined.

2. Learned counsel for the petitioner has vehemently asserted that impugned order before this Court has been passed by the Additional Sessions Judge, Gurugram, in a cryptic manner, which was failed to exercise the jurisdiction vested in it and also erred in law, while in one go allowed the application for adjournment on the ground of applicant/convict being admitted in hospital, and at the same time on that very day dismissed the application for waiver of the aforesaid condition to deposit 20% of the compensation amount.

3. Having gone through the order and given thoughtful consideration to the submissions made by learned counsel for the



petitioner, it is evident that the order/reasoning given, suffers from material illegality and irregularity as well wherein once an adjournment has been granted on account of the applicant/convict being admitted in hospital, and on the other side at the same time, dismissed the application for waiver of condition to deposit 20% of the compensation amount. The Additional Sessions Judge ought to have been deferred the hearing on the application for waiver of the condition qua deposit of 20% of the compensation amount but went on to decide the same without providing any effective opportunity and rather also erred in law while observing that Court cannot review its order and waive the condition.

4. The Court below ought to have considered the fact that it is not an appeal of any order but an application moved under Section 148 of the Negotiable Instruments Act, 1881, seeking waiver of the condition to deposit 20% amount of compensation, which needs to be adjudicated in the light of ratio laid down in Apex Court ruling titled as '**Jamboo Bhandari v. M.P. State Industrial Development Corporation Ltd. and others**', decided on 4.9.2023, and in the light of judgments passed by this Court.

5. In the light of above, the order dated 8.7.2024 is quashed. The trial Court is directed to consider the application afresh and decide the same on merits after providing due opportunity to the applicant/convict.

6. Disposed of.

(SANDEEP MOUDGIL)
JUDGE

29.7.2024

Ashwani

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No