



CRM-M-38255-2024 with
CRM-M-38265-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision : 07.08.2024

(1) CRM-M-38255-2024

M/s Udey Crafts

..... Petitioner

V/S

Ashwani Kumar proprietor M/s Wadhwa Enterprises

..... Respondent

(2) CRM-M-38265-2024

M/s Udey Crafts

..... Petitioner

V/S

Ashwani Kumar proprietor M/s Wadhwa Enterprises

..... Respondent

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Vivek Gupta, Advocate for petitioner(s).

AMARJOT BHATTI J.

1. Both the cases i.e. CRM-M-38255-2024 and CRM-M-38265-2024 are taken up together with the consent of learned counsel for the petitioner(s) for disposal.

2. Petitioner(s) – M/s Udey Crafts has filed CRM-M-38255-2024 for quashing of impugned order dated 26.07.2024 passed in complaint case No.COMA/1639/2019 dated 31.01.2024 filed under Section 138 of Negotiable Instruments Act, titled as “M/s Udey Crafts Vs. Ashwani Kumar” and CRM-M-38265-2024 for quashing of impugned order dated 26.07.2024 passed in complaint case No.COMA/4139/2019 dated 29.03.2019 filed under Section 138 of Negotiable Instruments, Act titled



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“M/s Udey Crafts Vs. Ashwani Kumar” in which the evidence of complainant has been closed by order.

2. It is argued that petitioner/complainant is a senior citizen who is pursuing his case. On the date fixed i.e. 26.07.2024. Counsel for complainant was not well, therefore he could not lead his evidence. His statement has already been recorded. He is to examine other witnesses in support of his case but his evidence was closed by order. It is requested that petitioner(s) may be granted two opportunities to conclude his entire evidence.

3. Considering the nature of controversy, no purpose would be served by issuing notice to the respondent rather it will lead to unnecessary delay and expenditure for respondent. Relevant orders are already placed on record by petitioner/complainant.

4. I have considered the arguments. Copy of impugned order dated 26.07.2024 indicates that complaint was filed in the year 2019, therefore, matter is pending since long for complainant's evidence. Perusal of order dated 26.07.2024 (Annexure P-1) further indicates that case is of action plan being one of the old case. It was the duty of present petitioner to conclude his evidence well on time which he has failed, as a result his evidence was closed by order. It cannot be ignored that matter requires adjudication on the basis of evidence as per law. Taking a lenient view petitioner/complainant is given one effective opportunity preferably on the date already fixed before the trial Court i.e. 12.08.2024 to conclude his evidence at his own responsibility subject to payment of cost of Rs.2000/- each, for respondent /accused in both cases.

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5. Accordingly, present petitions stand disposed of.
6. Pending miscellaneous application(s), if any, stand
disposed of accordingly.

(AMARJOT BHATTI)

JUDGE

07.08.2024.

Sunil Devi

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No