



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

**CRM-M-61996-2024
DECIDED ON: 11.12.2024**

SURESH KUMAR

.....PETITIONER

VERSUS

**M/S RAM KUMAR SUNIL KUMAR COMMISSION AGENT
.....RESPONDENT**

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Jarnail Singh Saneta, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 seeking quashing of impugned order dated 28.10.2024 (Annexure P-5) to the extent that the petitioner has been directed to deposit 20% of the compensation amount in the appeal in CRA No.319 of 2024 titled as "Suresh Kumar versus M/s Ram Kumar Sunil Kumar, Commission Agent" in case NACT/1786/2019 dated 17.05.2019 decided on 26/30.09.2014 pending before the Learned Additional Sessions Judge Karnal for 27.01.2025.

After arguing for some time, learned counsel for the petitioner prays for withdrawal of the present petition with liberty to move an appropriate application before the lower Appellate Court, with the reasons/grounds on which he is asking for the waiver of 20% of the compensation amount as stipulated under Section 148 of the Negotiable Instruments Act, who shall adjudicate afresh by passing in the light of

Jamboo Bhandari versus M.P. State Industrial Development Corporation Ltd. & Ors.”, decided on 04.09.2023.

Prayer is accepted.

Dismissed as withdrawn with liberty aforesaid.

However, it is made clear that in case the Lower Appellate Court dismissed the application for waiver of the condition, the petitioner would be at liberty to approach this Court again on that cause of action.

11.12.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No