



\$~50

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

+ CRL.M.C. 5085/2024, CRL.M.A. 19445/2024, CRL.M.A. 19446/2024
CRL.M.A. 19447/2024, CRL.M.A. 19448/2024

HARISH CHANDRA AGRAWAL & ANR.Petitioner

Through: Mr. Triman Goel, Advocate.

versus

RITU MITTAL & ORS.Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **08.07.2024**

1. This petition has been filed for setting aside the judgment dated 22nd September, 2023 passed by Ld. ASJ, South District, Saket Courts, Delhi in CRL. Rev. No. 221/2023 in case tiled as ***Trishul Dream Homes Ltd v. Ritu Mittal***.

2. By the said judgment, Trial Court disposed of a Revision Petition arising out of an order dated 15th March, 2023 passed by Ld. MM in CC. No. 2702/2020 titled as ***Ritu Mittal v. M/S Trishul Dream Homes Ltd***.

3. Ld. MM had allowed an application filed under Section 143-A of the Negotiable Instruments Act ("***hereinafter referred as NI Act***") and directed the revisionists/petitioner herein to make payment of Rs. 3 lacs to the respondent as interim compensation.

4. A perusal of the order of Ld. MM would show that the necessary parameters mandated by the provision (Section 143 of the NI Act) along with the interpretation by this Court in ***M/s JSB Cargo and Freight Forwarder Pvt. Ltd. and Orsv. State and Another*** has been duly considered.



5. The gravamen of the issue was a buyback of the property bearing No. flat No. C-3/903, 9th floor, Palm Residency, Sector- 75-76, Faridabad, Haryana from the respondent by the builder Trishul Dream Homes Ltd. This buyback was per agreement dated 03rd September, 2018, and was for an amount of Rs. 26 lacs for which on cheque of Rs. 1 lac was given and five other cheques of Rs. 25 lacs.
6. While a cheque of Rs. 1 lac was honoured, the five cheques of Rs. 5 lacs, each were not honoured and proceedings under Section 138 of NI Act therefore, commenced.
7. Ld. MM has noted in the said order that the matter is pending since 2020, and perusal of the order sheets reveals that accused has not been appearing regularly before the Court, as a result of which trial may take considerable time and, therefore, the matter was fit for exercising discretion under Section 143-A of the NI Act.
8. The said order was, therefore, upheld the impugned judgment, which also traverse the relevant law on the subject.
9. This Court finds no infirmity in the said order and, therefore, the petition is therefore dismissed.
10. Pending applications (if any) are disposed of as infructuous.
11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JULY 8, 2024/RK

[Click here to check corrigendum, if any](#)