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

+ **CRL.M.C. 3531/2021**

WASIM SALMANI

.....Petitioner

Through: **Ms. Shobhna Sharma, Adv.**

versus

FURSAT ALI

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

03.12.2024

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1. This is a petition seeking setting aside of the impugned order dated 18.07.2019 passed by learned MM, NI Act, East, Karkardooma Courts in Ct. Case No. 4854/2018 titled "*Wasim Salmani vs. Fursat Ali*".
2. As per the order, the complaint under Section 138 Negotiable Instruments Act, 1881 filed by the petitioner was dismissed for non-prosecution.
3. It is stated that the counsel for the complainant/petitioner was engaged in another matter and could not appear before the Court in time.
4. It is also stated that the complainant was not aware of the next date of hearing and hence, could not appear.
5. Ms. Sharma, learned counsel for the petitioner states that in the present case, summons also had not been issued against the respondent.
6. I am of the view that in the present case when the matter was dismissed, nobody was appearing on behalf of the petitioner or the



respondent. Hence, no prejudice will be caused to the respondent if the petition is taken up for hearing. I am also of the view that the endeavour of the Court should be to hear the petition on merits.

7. For the reasons, the petition is allowed and the impugned order dated 18.07.2019 passed by the learned MM, NI Act, East, Karkardooma Courts in Ct. Case No. 4854/2018 titled “*Wasim Salmani vs. Fursat Ali*” is set aside.

8. The complaint is restored to its original number.

9. The petitioner shall appear before the concerned CMM on 20.12.2024, wherein the matter will be assigned to the concerned MM.

JASMEET SINGH, J

DECEMBER 3, 2024/akc

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