

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

2025:PHHC:031261



CRM-M-10471-2025

Date of Decision:05.03.2025

ASHOK KUMAR

...Petitioner

Vs.

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Pinki Mehla, Advocate for the petitioner.

SANDEEP MOUDGIL, J. (Oral)

The present petition has been filed under section 528 BNSS, 2023 for setting aside order dated 17.01.2025, Annexure P-4, passed by the Additional Sessions Judge, Kaithal in CRA-28-2025 dated 17.01.2025 titled as Ashok Kumar V/s Naresh Pal" arising from complaint No. 2051 of 2018 dated 26.09.2018/20.11.2018 Naresh Pal V/s Ashok Kumar titled vide which the petitioner is directed to deposit 20% of amount of compensation awarded by the trial Court.

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Dismissed as withdrawn with liberty aforesaid.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.

(SANDEEP MOUDGIL)
JUDGE

05.03.2025

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*