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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21255-2025

DECIDED ON:24.04.2025

MUKESH KUMAR

.....PETITIONER

VERSUS

M/S HIGHWAY AUTO SERVICES

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Simran, Advocate for
Mr. Sandeep Saini, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 528 of BNSS, 2023 with a prayer to quash impugned order dated 21.03.2023 (Annexure P-1) passed by the Ld. Addl. Sessions Judge, Jind, to the extent that the petitioner has been directed to deposit 20% of the cheque amount as awarded by the Ld. Trial Court/JMIC, Jind vide order dated 28.02.2023 passed in complaint case bearing No. NACT/321/2016 dated 14.06.2016 titled M/s. *Highway Auto Services vs. M/s Nobel Enterprises Etc.* filed under section 138 of the Negotiable Instruments Act, 1881, without considering the facts and pleadings of the case and without evaluating the merits or recording any reasons for the same.

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Dismissed as withdrawn with liberty aforesaid.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.

24.04.2025

Meenu

(SANDEEP MOUDGIL)
JUDGE

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