2025:PHHC:048116

122 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-941-2025 (O&M)
Date of Decision:07.04.2025

SAVITA DEVI ...Petitioner

Vs.

PURAN SINGH ...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ankur Lal, Advocate for the petitioner.

SANDEEP MOUDGIL, J. *(Oral)*

1. The present petition has been preferred against the impugned judgment dated 08.05.2023 and order dated 19.05.2023 passed by JMIC, Bhiwani vide which Trial Court convicted the petitioner under Section 138 of the Negotiable Instruments Act, 1881 and the impugned judgment dated 05.03.2025, whereby the appeal preferred by the petitioner was dismissed by the Appellate Court.

2. Learned counsel for the petitioner contends that lastly the case was listed on 13.01.2025 as is evident from the order dated 24.10.2024 passed by the trial Court, instead of the date fixed, the matter was taken up on 10.01.2025 observing that "file taken up today as 13.01.2025 has been declared as Holiday on account of Lohri. Therefore, the case stands adjourned to 22.01.2025." On 22.01.2025 the case was neither shown in the cause list nor there is any zimni order on the case filed and even on the portal of the Court there is no status reflected regarding the listing of the case on 22.01.2025. After that, it is on 05.03.2025 the case was taken up and the same was dismissed after hearing counsel for the respondent alone. He would further urge that the appeal was dismissed in absence of the petitioner which is against the principles of natural justice

3. Heard.

4. Learned counsel for the petitioner would confine his prayer only for fresh adjudication of the appeal by the trial Court after providing

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him opportunity of hearing on merits.

5. In view of the above, without further going into the merits of the cse, the order dated 05.03.2025 is set aside and the Lower Appellate Court is directed to hear the appeal afresh and decide the same after affording atleast 03 opportunities of hearing or to address arguments to the appellant-petitioner.

6. Disposed of.

(SANDEEP MOUDGIL)
JUDGE

07.04.2025
kv

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

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