

57

Ct. Cases

23324/2019

M/S. ASSOCIATED ROAD CARRIERS LTD.

Vs.

M/S. SERVEL INDIA PRIVATE LTD.

AND ORS.

29.06.2022

**This court has a pendency of more than 6900 cases including 10700 private party cases with more cases being transferred from the Court of Ld. ACMM and Ld. CMM, North West District.**

*Today 107 regular cases are listed.*

Present: Sh. V.K. Prasad, Ld. Counsel for complainant with AR.

Ld. Counsel has filed on record an application for substitution of AR along with the General Power of Attorney and Board Resolution.

Ld. Counsel has also filed form -12 and master data of the accused company.

Persual heard. Record perused.

Application for substitution of AR stands allowed.

Now Sh. Surya Narayan Diwedi stands as AR of the complainant.

Complainant has tendered on record his evidence by way of affidavit Ex. CW-1/A along with the documents Ex. CW1/1 to Ex. CW1/10A. Complainant has also closed his preliminary evidence.

I have perused the record and heard the counsel for complainant on the point of summoning of accused.

Present complaint is based upon the allegation that the accused issued the cheque in question in discharge of legal liabilities as mentioned in the complaint. When the aforesaid cheque was presented for encashment same was received back dishonoured. Legal notice was issued but accused failed to make the payment within the stipulated period. Complainant has filed on record the original cheque, return memo, legal notice and postal receipt.

From the documents on record and the affidavit Ex. CW-1/A filed on behalf of the complainant, prima facie a case under Section 138 Negotiable Instrument Act, is made out against the accused no. 1 being company and accused no. 2 & 3 being its Director.

Accordingly, accused No. 1,2 &3 be summoned on filing PF, RC and speed post,

to be returnable on 02.12.2022. Steps be taken within 15 days hereof.

If the accused is not found at the stated address, summons be also served by way of affixation. Process server is directed to get the photograph of affixed summons and submit the same along with the report.

**(Vikas Madaan)**

MM (NI Act) N/W, ROHINI, DELHI

29.06.2022