01.08.2026

Present:- **Sh. Bhaskar Vali, Ld. Counsel for the Revisionist through VC.**

Sh. Tarun Rajput, Ld. Counsel for the Revisionist physically present.

None for the respondent.

None has appeared on behalf of the Respondent despite service, therefore, I proceed to decide the revision petition on merits in the absence of the respondent.

Arguments heard on the revision petition.

Ld. Counsel for the revisionist submits that the present revision petition has been filed against the order dated 05.12.2024 (***hereinafter referred to as the "impugned order"***) passed by Ld. JMFC (NI Act) -08, South, Saket Courts, New Delhi (***hereinafter referred to as the "Trial Court"***) vide which the application under Section 143A of The Negotiable Instruments Act, 1881 (***in short "NI Act"***) filed by the complainant was dismissed wherein he has sought the directions against the respondent for depositing the 20% of the cheque in question.

Ld. Counsel for the revisionist submits that impugned order is not an interlocutory order but it is an intermediate order as it affects the rights of the revisionist to have 20% of the cheque amount as interim relief.

I am fully agree with the said submission of the Ld.

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Counsel for the revisionist as the application under Section 143A of NI Act is filed only to determine whether the complainant is entitled to 20% of the compensation or not. Thus, the same is not an interlocutory order as it determines the future course of action as if the application is allowed and the accused (respondent herein) is directed to pay 20% of cheque amount and if he does not pay, it will close his right to defence and for complainant, it will directly affects its financial consequences. In these circumstances, in my view, **the revision petition is maintainable.**

On merits, Ld. Counsel for the revisionist has argued that Ld. Trial Court has passed the impugned order mechanically as in the impugned order it is mentioned that the complainant has ample opportunities to conduct evidence and conclude the trial, whether the loan is repaid or not, is a matter of trial. Whereas, the transaction involved in the present case is not loan but it is a transaction of sale / purchase of goods and the respondent has given the cheque qua goods purchased from the complainant. Ld. Counsel for the revisionist has submitted that he has also filed all the bills and documents in support of said averments before the Ld. Trial Court but Trial Court has not considered the same.

I have heard the submissions of Ld. Counsel for the revisionist and have gone through the record.

From perusal of the Trial Court record, it is clearly evident that the case of the complainant is that the respondent has purchased the goods through invoices and in lieu of that he has issued the cheque in question, which got dishonoured on

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presentation in the bank. Therefore, in my view, it was not a loan transaction between the parties, hence, Ld. Trial Court has not applied its mind and passed the order mechanically and committed error apparent on the face of record. In these circumstances, **the impugned order dated 05.12.2024 dismissing the application under Section 143A NI Act filed by the complainant / revisionist herein, is set aside and the matter is remanded back to the Ld. Trial Court with directions to consider the application under Section 143 NI Act filed by the Complainant afresh.**

With these observations, the revision petition stands disposed of.

Parties are directed to appear before the Ld. Trial Court on 18.08.2026.

A copy of this order along with Trial Court record, if any, be sent back to Ld. Trial Court for information and compliance.

Revision file be consigned to Record room.

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(SANJEEV KUMAR AGGARWAL)
Principal District & Sessions Judge (South)
Saket Courts, New Delhi / 01.08.2026