



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRMP No. 1028 of 2023

Dr. Manmohan Kumar Khanduja **Versus** Shankar Singh Kothari

12.05.2023	Mr. Jaideep Yadav, Advocate for the petitioner. Heard. Issue notice to the respondent on payment of process fee as per rules making it returnable within four weeks. Also heard on IA No.1, application for grant of interim relief. Learned counsel for petitioner submits that cheque said to be dishonored was issued by petitioner as Director and Authorized Signatory of a Company registered in the name and style of BSR Superspeciality Hospital Ltd. As cheque was issued on behalf of company, company is also one of the necessary party to be impleaded and notice ought to have been issued making demand from the company. No mandatory notice is issued to the Company nor it has been arrayed as non-applicant/accused and therefore application under Section 138 of the Negotiable Instrument Act, 1881 is not maintainable. In support of his contention, he places reliance upon decision of Hon'ble Supreme Court in case of Himanshu versus B. Shivamurthy & Anr reported in AIR 2019 SCC 3052. Considering submission of counsel for the petitioner, document available on record, purely as an interim measure, it is directed that further proceeding pending in Complaint Case No.1677/2018 before Judicial Magistrate First Class, Rajnandgaon shall remain stayed till the next date of hearing. List the matter after receipt of service report. CC as per rules. Sd/- (Parth Prateem Sahu) Judge

Jamal/-