

**Golden Nimbus International.
V/s.**

... Complainant

M/s. Surgimax NG.

... Accused

ORDER BELOW EXH. No. 1

Applicant has filed present application U/sec 142 (b) of the Negotiable Instrument Act (hereinafter referred as 'N.I. Act' for short), with a prayer to condone the delay of 21 days for filing complaint for the offence punishable U/sec 138 of the N. I. Act.

2. It is the submission of applicant that, authorized signatory of the complainant company is 72 years old and suffering from various old age ailments. Hence the complaint could not file the complainant within the limitation period. Therefore, 21 days delay is caused to file complaint U/s. 138 of N.I.Act. The delay caused to him was not intentional. He further submitted that, if the delay is not condoned then he will cause serious harm and irreparable loss. Therefore, prayed to allow the application.

3. The notice was issued to non-applicant and as per the postal track report at Exh. 13, it is delivered to the non-applicant. Applicant has also filed his affidavit of service of notice at Exh. 06. The non-applicant is absent. Hence application proceeded ex-party against the non-applicant.

4. Heard. Perused the application.

5. By way of present application, the applicant has prayed to condone the delay of 21 days. The reason cited for the delay is that, authorized signatory of the complainant company is 72 years old and suffering from various old age ailments. The non-applicant has not filed his say as he did not appear. I have considered the reason cited in the present application. The applicant has filed his affidavit in support of present application. Considering the reason mentioned in the application, the affidavit filed in support of present application on record, the delay is required to be condoned but considering the delay some cost is required to be imposed. In result I pass following order:-

ORDER

1. Application is allowed subject to cost of Rs. 2000/-. Applicant to deposit the cost within 15 days from today. Cost amount be credited to Government.
2. Delay for filing complaint U/sec. 138 of Negotiable Instruments Act is hereby condoned.
3. Complaint be registered as per rules after payment of cost amount.

Date : 18/07/2026

Sd/-
(Y. P. Pujari)
Judicial Magistrate (First Class)
48th Court, Andheri, Mumbai