

MHAK100012632022



**Order Below Exh. 1 in Cri.M.A. No. 292/2022
(Santosh Gawai Vs. Salman Khan)**

1. By the present application applicant has sought condonation of 18 days delay in filing complaint.
2. Perused application. Heard learned advocate Mr. Khambalkar for applicant.
3. On perusal of record it appears that respondent issued cheque bearing no. 035749 on 28.05.2022, drawn on Central Bank of India, Branch – Telhara. Complainant deposited aforesaid cheque for encashment but it returned dishonoured, with remark “Funds Insufficient” vide memo dated 01.06.2022, 23.06.2022 and lastly on 30.07.2022. Complainant issued legal notice to respondent on 10.08.2022 and the same is served on 12.08.2022. Thus, from the record it appears that service is effected on respondent on 12.08.2022. 15 days time elapsed on or before 27.08.2022. In spite of service of notice respondent failed to pay cheque amount. Period of 30 days elapsed on or before 27.09.2022. Present application is filed on 17.10.2022. On plain calculation it appears that delay of 20 days has been caused as prayed. The reason of health is quite justifiable to condone the delay occurred. There is no ground to disbelieve the applicant. Fair opportunity needs to be given to applicant to prove his case and it is desirable that litigation to be disposed on merits. Hence, I find the reason of delay sufficiently explained and needs to be condoned, for which I pass following order;

ORDER

- i. Application is allowed.
- ii. Delay occurred, is hereby condoned.
- iii. A.S. is directed to register present Cri.M.A. as Summary Case.

Dated : 13.12.2022

(Kailas Kurandale)
JMFC, Patur

CERTIFICATE

I affirm that the contents of this P.D.F. file are same word to word as per original .

Name of Stenographer	: R. P. Khandare
Court Name	: Kailas K. Kurandale, C.J.J.D. & J.M.F.C., Patur
Date	: 13.12.2022
Signed by presiding officer on	: 13.12.2022
Uploaded on	: 14.12.2022