

KABK200002802026



**IN THE COURT OF PRL SENIOR CIVIL JUDGE & JMFC
MUDHOL.**

PRESENT

Sri.VIJAYAKUMAR M KANNUR
B.A L.L.B(Spl)
Prl.Senior Civil Judge & JMFC.,
Mudhol.

Dated this 17th day of JUNE 2026

PCR No.86/2026

Complainant:

- Sri.Venkappa S/o Hanamappa Chinchakhandi,**
Proprietor of Shri Tirumala Construction,
Age: 50 years, Occ: Agriculture and Business,
R/o: Dadanatti, Tq: Mudhol, Diat: Bagalkot.

(Represented by Sri. K.K.G Advocate)

- Versus -

Accused:

- Sri.Vinayak S/o Shivanagouda Patil,**
Age: 31 years, Occ: Agriculture,
R/o: Mudhol, Tq: Mudhol, Dist: Bagalkot.

**ORDER ON I.A. NO.I UNDER SECTION 142 OF
NEGOTIABLE INSTRUMENT ACT**

This is an application U/Sec.142 of Negotiable Instrument Act filed by the petitioner/applicant praying the court to condone the delay of 19 days to filing this petition.

2. The petitioner sworn to an affidavit in support of application wherein he has stated that, due to misplace of original cheque, bank memo and hand loan chit in his house, the said delay is occurred to file this application. Hence, application may be allowed and delay may be condoned. With these averments the petitioner has sought for allowing IA No.I.

3. Notice of I.A. No.I was issued to the accused. Notice was served on the accused. He remained absent.

4. Heard the counsel for the complainant.

5. Upon hearing the arguments, following points arise for consideration.

POINTS

1. Whether the complainant has made out sufficient grounds for condonation of 19 days delay in filing complaint?

2. What order ?

6. My findings to the above points are as follows:

Point No.1: In the affirmative

Point No.2: as per final order for the following:

-: R E A S O N S : -

8. **POINT NO.1:** It is contended by the complainant that due to to misplace of original cheque, bank memo and hand loan chit in his house, the said delay is occurred to file this application. Hence, the 19 days delay is caused for filing this complainant. On this ground he seeks for

condonation of delay. Hence, 19 days delay is not deliberate or intentional.

9. It is useful to refer the decision of Hon'ble High Court of Karnataka in ILR 2007 KAR 3587 (Smt. H.M.Namratha V/s. Smt.Jayanthi Prakash) which reads as under:

Negotiable Instruments Act, 1881 – Section 138, 142(B) – Trial Court dismissing the complaint on the ground of delay of 4 days time – Whether Order of Trial Court right – HELD – Taking into consideration the amended provisions of Section 142(B) of the N.I.Act, prima facia case sufficiency of the cause for the short delay is shown, instead of sticking to the technicality, the Court below ought to have condoned the delay and consider the complaint on its merits.

10. It is also trite that acceptance of reasons for sufficient cause is a rule and rejection is an exception. Only

on the ground of delay substantial justice should not be denied. Court should be liberal in condoning the delay and pedantic approach should not be taken into. Hence, in view of the principles enunciated in the above referred decision and as complainant has properly explained the delay in filing complaint and considering his bona-fides, delay of as days deserves to be condoned. Hence, **I answer point No.1 in the affirmative.**

11. **POINT NO.2:** For the foregoing discussion and observation I proceed to pass the following:

O R D E R

Application filed U/sec. 142 (B) of Negotiable Instrument Act is hereby allowed.

19 days delay in filing complaint is condoned.

(Dictated to the stenographer directly on the computer, typed by her, Corrected and then pronounced by me in the open court on this day of **17th day of June 2026**)

(Vijaykumar M Kannur)
Prl.Senior Civil Judge and JMFC.,
Mudhol.

