

MHKO030091732022 	<u>ORDER BELOW EXH.NO.12</u> <u>S.C.C.NO.5932/2022</u> Gholape Hospital Vs Sunil Namdev Lokhande
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(1) This is an application filed by the complainant under section 143-A of the Negotiable Instruments Act, 1881 (Hereinafter referred as “the NI Act”) to direct the accused to pay interim compensation.

(2) The prayer of the complainant is in nutshell as-
The complainant has filed the complaint against the accused for dishonor of cheque. The cheque amount of Rs.54,000/- is involved in this complaint and as per section 143A of the N.I.Act 20% amount of the cheque is required to be paid by the accused to the complainant as interim compensation. In the above circumstances, the accused is liable to pay interim compensation @20% as provided in section 143-A of the N.I.Act. Hence, the application.

(3) The accused has not filed reply to this application. Therefore, the present application is proceeded further without say of the accused.

(4) Perused the application, complaint and documents on record. Heard learned counsel of the complainant. The accused and his counsel are absent when called. Hence, the application is proceeded further without argument of the

accused.

(5) The provision regarding interim compensation under section 143-A of the N.I.Act came into force w.e.f. 01/09/2018 by way of amendment to the N.I.Act. On perusal of record, it is seen that the cause of action to this complaint arose after enforcement of section 143-A of the N.I.Act in the month of August – 2022. Hence, this application is tenable.

(6) The record shows that the cheque in question is total of Rs.54,000/-. The contention of the complainant that accused issued subject cheque cannot be ignored at this juncture. The complainant has filed the documents to show that the brother of the complainant was admitted in the hospital and for repayment of the hospital bill, the cheque in question was given by the accused. Another aspect is that notice issued to the accused is also not replied. Therefore, on available record discloses the transaction in between the complainant and accused. Sufficient time is required to dispose the proceeding. In such situation, considering the object of this amendment to the N.I.Act and the material placed on record, it is seen that complainant is entitled to the interim compensation and it would be just to direct the accused to pay the interim compensation upto 20% amount of the cheque in question. Hence, in view of above discussion, following order is passed.

ORDER

1] The application is allowed.

2] The accused is hereby directed to pay 20% of the amount of the cheque as a interim compensation to the complainant within 60 days from the date of this order as per sec.143-A of the Negotiable Instrument Act, 1881.

3] The complainant is directed to conduct the hearing of the instant matter speedily.

Place : Kolhapur

Date : 26/12/2024

(N.R.Bhalgat)

5th Judicial Magistrate, First Class,
Kolhapur.

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

Name of Court	Shri.N.R.Bhalgat, 5 th Jt.C.J.J.D. & J.M.F.C., Kolhapur.
Name of the Stenographer	V.P.Kadam, Stenographer Grade III
Date of Decision	26/12/2024
Judgment signed by the P.O. On	26/12/2024
Judgment uploaded on	26/12/2024