

	<p style="text-align: center;"><u>ORDER BELOW EXH. 9 IN S.C.C.NO. 1950/2021</u></p> <p style="text-align: center;"><u>Sunanda Pujari v/s. Mataji Finishers</u></p> <p style="text-align: center;"><u>CNR No. MHKO050035152021</u></p>
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The complainant moved this application under section 143(A) of the N.I.Act and prayed to direct the accused to pay 20% amount of cheque amount.

2) The accused resisted the application by filing his say at Exh.13 and requested to reject the application.

3) Perused application, say and documents on record. Heard Ld. Advocates for both sides.

4) The Ld.advocate for complainant submitted that the accused in discharge of his legal liability issued subject cheques. Same were dishonoured. In spite of receipt of notice the accused did not repay the cheque amount. The trial gets time to decide. Hence, he prayed 20% amount of cheque be paid to the complainant. On the other hand, Ld.advocate for the accused submitted that the complaint is not tenable. Present application is filed only to harass the accused, by taking disadvantage of the legal provisions. Lastly, it is prayed to reject the application.

5) Contents of the complaint discloses that the accused on behalf of Mataji Finishers purchased the goods from the complainant on the credit basis. Complaint specifically discloses this fact. So, it is reason to believe that accused issued subject cheque in favour of complainant. Though the issuance of subject cheques in discharge of legal liability is denied by the accused and the notice at Exh.3/3 prima facie shows

dispute between the parties, it is necessary to mention here that the case is based on commercial transaction. The allegations of either party needs to be decide on merit. therefore, sufficient time is required for disposal of the complaint. Hence, application deserves to be partly allowed. Hence, I pass the following order:

**ORDER**

1. Accused is directed to pay the 10% of the cheque amount to the complainant within 30 days from the date of this order.
2. If the accused finds to be innocent, the said deposited 10% cheque amount be returned to the accused, after appeal period.

Date : 11/11/2022  
Ichalkaranji.

(S.S. Pednekar)  
J.M.F. C., Court No.6, Ichalkaranji