

MHKO050056252023



ORDER BELOW EXH.01 IN
CRI.M.A.NO.502/2023.
Sriram Finance Ltd. V/s. Vikas Suresh Shinde.

This is an application under section 142 of the Negotiable Instrument Act, 1881 (hereinafter referred as N.I. Act) for condonation of delay of 36 days caused in filing the complaint under section 138 of the N.I.Act, 1881

2. The applicant states that the finance company had to file 130 cases against their members. Therefore, accordingly, they drafted the cases and gave it for xerox but then the original documents bundle of 9 cases were missing along with the stamps. The finance company noticed that due to over work load they did not realize that bundle of 9 cases were missing. However, after the search made by the finance company at various places bundle of 9 cases was found in the xerox shop of Shri.Sardar Mujawar on 05/10/2023. After receiving the same when the finance company perused the cases they noticed that there was delay in filing said complaints. Hence, the delay of 36 days was caused in filing the complaint. Therefore, the applicant company prayed for condoning the delay.

3. Though the opponent appeared but he failed to file his say. Hence application proceeded without his say.

4. Heard the Ld.Advocate for the applicant. Perused the material on record. The applicant has filed his affidavit as well as affidavit of Shri.Sardar Husen Mujawar in support of his contention. Though, the reason mentioned for condonation of delay is not sufficient but, it is held by the Hon'ble Supreme Court in the cantena of judgments that procedural technicalities should not defeat the object of the N. I. Act.

Therefore I pass the following order.

ORDER

1.	The application is allowed subject to costs of Rs.2500/- (Rupees Two Thousand and Five Hundred) paid to TLSA, Ichalkaranji.
2.	The delay caused in filing the complaint is condoned and the complaint be registered accordingly.
3.	Proceeding is hereby closed.

(R. D. Kharate)

Date.13/07/2026.

Judicial Magistrate First Class, Ichalkaranji.