

ORDER BELOW EXH. 3 IN CASE NO. 1649/Misc./2025

01. This is an application for condonation of delay of 72 days caused in lodging of a complaint for offence under section 138 of the Negotiable Instruments Act (for short *“the N.I. Act”*)

02. Read the application. Notice was issued to the non-applicants. The postal track reports at Exh. 09 to 11 and postal envelopes at Exh. 13 and 14 go to show that, the postal envelopes of non-applicant Nos. 1 to 3 are returned with remark “Return to Sender” and the postal track report at Exh. 12 go to show that, the notice is duly served upon non-applicant No. 4. The notices were served upon the non-applicants through email. The applicant has produced copies of email at Exh. 15 to 18. However, the non-applicants have neither appeared nor filed their reply.

03. The last date for filing of complaint was 08.05.2025. The complaint has been filed on 21.07.2025. As such, there is delay of 72 days in filing of the complaint. In the application, it is contended that, the original papers were misplaced and finally found on 14.07.2025. As such, delay has been caused in filing the complaint. It is well settled that, an application for condonation of delay has to be considered with a liberal approach. The application is supported by the affidavit of applicant. The application has remained uncontested. The delay can be condoned by imposing costs upon the applicant. Thus, the application deserves to be allowed. Hence, the order :

ORDER

01. Application is allowed subject to costs of Rs.2,000/- payable by the applicant to the District Legal Services Authority, Mumbai within 15 days from today. The delay caused in filing complaint is condoned.

02. The Judicial Clerk to register the complaint in accordance with law after verifying payment of requisite Court Fees.

Sd/-

(M. R. Dhanorkar)

Judicial Magistrate First Class,
7th Court, Dadar, Mumbai

Mumbai
Date : 05.12.2025