

ORDER BELOW EXH. 3 IN CASE NO. 1151/Misc./2026

01. This is an application for condonation of delay of 48 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. Notices were issued to the non-applicants. The postal track reports at Exh. 7 and Exh. 8 and postal envelopes at Exh. 9 and Exh. 10 go to show that, the postal envelopes have returned with endorsement “Addressee Left Without Instructions”. The Ld. Advocate for applicant submitted that, there is deemed service of notice. However, the non-applicants have neither appeared nor filed their reply. Hence, the application was heard without say of non-applicants.

03. The last date for filing of complaint was 29.01.2026. The complaint has been filed on 18.03.2026. As such, there is delay of 48 days in filing of the complaint. In the application, it is contended that, the non-applicant repeatedly contacted the applicant and assured that he will pay the outstanding amount and to hold on formal legal proceeding. The applicant waited for payment, however, the non-applicant had not paid the amount. Moreover, the official handling this matter who had travel abroad for urgent official commitments, therefore, the applicant company was required to undertake to new resolution in favour of current authorized representative it will cause delay. The application is supported by affidavit of the authorized representative of the applicant. It is well settled that, an application for condonation of delay has to be considered with a liberal approach. The application has remained uncontested. The delay can be condoned by

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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.1,000/- payable by the applicant to the District Legal Services Authority, Mumbai within 15 days from today. The delay is condoned.

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

Mumbai
Date : 14.07.2026

Sd/-
(M. R. Dhanorkar)
Judicial Magistrate First Class,
7th Court, Dadar, Mumbai