



Summons Cases SS/5800298/2020
**SAMSALAM RIYAZ AHMED KAZI Vs. JAYSHREE
DOULATRAM KAWLE**

**IN THE COURT OF JUDICIAL MAGISTRATE(FIRST CLASS),
58TH COURT, BANDRA, MUMBAI
ORDER BELOW APPLICATION EXH.15**

This is an application filed for granting an interim compensation u/sec.143-A of the Negotiable Instrument Act.

2. It is contended of behalf of the complainant that he had paid Rs.4 lakhs towards refundable security deposit for commercial premises by two cheques in the year 2018. The accused neither handed over possession nor written security deposit. The cheques issued by the accused are dishonored. Hence, this application.

3. Accused was given more than sufficient opportunity since 2022 but failed to file reply.

4. Heard both sides.

5. Leave and Licence Agreement produced on record prima facie established the contention of complainant as to making payment of Rs.4 lakhs towards heavy security deposit. Subject cheques are drawn on account of accused. Accused was issued demand notice. The same is not replied by the accused. In view of extensive guidelines of Hon'ble Supreme Court in the case of ***Sanjabij Tari Vs. Kishor S. Borcar, 2025, SCC Online S.C. 2069 dated 25.09.2025***, complainant has right to speedy trial. In view of presumption under section 139 and 118(a) of Negotiable Instrument Act, there is more than sufficient prima facie evidence on record to accept the case of complainant for trial. Hence, I pass following order.

ORDER

- 1) The application is allowed.
- 2) Accused is directed to make payment of 20% of cheque amount within 60 days from today to the complainant as an interim compensation.
- 3) Order dictated and pronounced in open court.
- 4) Order be uploaded on Court Web Portal.

Date : 10.12.2025

(M. P. Saraf)
Judicial Magistrate, First Class,
58th Court, Bandra, Mumbai.
J.O.Code: MH01362

CERTIFICATE

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

Name of Stenographer	: Mrs. Aditi Ravikiran Dalvi
Court	: Judicial Magistrate (First Class), 58 th Court, Bandra, Mumbai.
Dictated in open court on	: 10.12.2025
Transcribed and Typed on	: 10.12.2025
Order printed and Signed on	: 10.12.2025
Order Uploaded on	: 10.12.2025