

MHPU180004202016



SCC No. 178/2016

Vistar Finance

Vs.

Popat Gund

ORDER BELOW EXH.1.

(Passed On 06/08/2026)

Called the complainant is absent. Both Ld. Advocates for the parties are present. The present complaint has been filed by the complainant under Section 138 of the Negotiable Instruments Act. The record shows that the plea of the accused was recorded on 18/03/2017. Thereafter, the matter was fixed for the evidence of the complainant. However, despite several opportunities, the complainant failed to appear and lead evidence or place the same on record. The record further shows that the matter has been kept for dismissal since 21/01/2026. The complainant has remained absent since 09/01/2019. It is also seen from the record that the Ld. Advocate for the complainant repeatedly filed applications seeking adjournments to lead evidence on behalf of the complainant. By order below Exh. 58 dated 01/07/2025, this Court granted a last opportunity to the complainant to lead further evidence. Thereafter, applications for time to lead evidence below Exhs. 61, 63, 65, 66, 67, 68, 69 and 70 were rejected by the Court.

2. Despite granting several opportunities in the interest of justice, the complainant failed to lead evidence. The conduct of the complainant clearly shows that the complainant is not interested in prosecuting the present complaint. Even today, the complainant has filed an application below Exh.71 seeking an adjournment. The said application has been rejected by this Court by a separate detailed order.

3. Despite the rejection of applications below Exhs. 61, 63, 65, 66, 67, 68, 69 and 70 the complainant failed to take any effective steps to proceed with the case. The complainant has not led any evidence despite repeated opportunities granted by this Court. Although the Ld. Advocate for the complainant remained present before the Court, no effective steps were taken except filing repeated applications for adjournment. The conduct of the complainant shows that the proceedings are being unnecessarily prolonged. This Court has repeatedly rejected the applications for adjournment. There is nothing on record to show that the proceedings have been stayed by any Hon'ble higher Court. Since the year 2022, the complainant has not taken any effective steps to prosecute the complaint. In these circumstances, no useful purpose would be served by keeping the complaint pending on the file of this Court. Accordingly, this Court is of the considered opinion that the present complaint is liable to be dismissed for default. Thus, the following order is pass.

ORDER

1.	The complaint filed under Section 138 of the Negotiable Instruments Act is hereby dismissed for default.
2.	The proceedings are hereby closed.

Daund.
Date : 06/08/2026.

(A. S. Shaikh)
Judicial Magistrate First Class,
(Court No.4) Daund.

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 the Steno	:- Deepak A. Merukar, Grade-3
Court / Panel	:- A. S. Shaikh 4 th Jt. C.J.J.D. & Judicial Magistrate First Class (Court No. 4) Daund.
Order / Judgment date	:- 06/08/2026.
Order / Judgment singed by	:- 06/08/2026.
the Presiding Officer on	
Order/ Judgment uploaded on	:- 06/08/2026.