

Cri.M.A. No.3825/2025,
Hiraman -vs-Sahil,

ORDER BELOW EXH. 01

This is an application under Section 05 of the Limitation Act, 1963 for condonation of delay of 05 days for filing complaint Under Sec.138 of the Negotiable Instrument Act, 1881.

02. It is submitted by the applicant that, the complaint was filed within limitation i.e. on 07/01/2025. However, inadvertently stamp duty was paid in the name of District Court, Pune. Thus, on 10/01/2025 the complainant was came to know his complaint has got rejected due to filing of stamp duty in the name of District Court, Pune instead of Vadgaon Maval, Pune. Again on 13/01/2025 the complainant had paid the requisite stamp duty in the court of Vadgaon Maval and his complaint has registered. Therefore, on technical ground delay of 05 days has been caused for filing this complaint. Thus, prayed for condonation of delay caused for filing the complaint.

03. Heard Learned Advocate appearing for the complainant. Perused the record and proceedings it transpires that, delay of 05 days has been caused for filing the complaint. The complainant specifically contended that, due to technical reasons and filing of stamp duty in the name of District Court, Pune delay has caused for filing this complaint. Hence, I am of the considered view that, in order to adjudicate the complaint on merit liberal view is required to be taken in the interest of justice. The Hon'ble High Court, Bombay in catena of judgments directed that, while deciding such application court should be liberal. Hence, the

application is allowed. In the result, I pass following order.

:- ORDER :-

01. The application is allowed.
02. The delay is condoned therefore, the complaint be registered as SCC.

Date-08/08/2025

(Abhay M. Vibhute),
Judicial Magistrate First Class,
Vadgaon Maval, Pune.