

**IN THE COURT OF THE JUDICIAL MAGISTRATE
(FIRST CLASS), 27th COURT, MULUND, MUMBAI**

C.C.NO.762/MISC./2025

Sahayog Co-operative Credit Society Ltd.

V/s.

Mrs. Seema Rahul Jadhav.

ORDER BELOW EXH.4

1. This is an application filed by applicant/complainant for condonation of delay. Perused the application and documents on record. Heard Ld. Advocate for the applicant. Notice was issued to the respondent/accused and same was delivered to her, but she failed to appear and file her say.

2. It has stated in the application and submitted by Ld. Advocate for the applicant that complainant has filed this complaint under section 138 of NI Act on 30/06/2025, but the statutory period prescribed for filing said matter was expired on 16/02/2025. He further submitted that cheque issued by accused was presented for encashment on 06/12/2024 and same was dishonoured on 07/12/2024. Thereafter he issued the statutory demand notice on 30/12/2024 and same was received by the accused on 05/02/2025. But accused failed to pay cheque amount to the complainant.

3. The complainant further submitted that the complaint had to be filed on or before 16/02/2025 however, the work of renovation of complainant's office was going on since 23/01/2025 till 05/05/2025, due to which files of the documents pertaining to this case was not traceable. Moreover, postal acknowledgment was not received by the complainant, therefore, he made correspondence with the post office and lastly he received response from the post office on 16/06/2025. Therefore, the complainant could not file complaint within a period of limitation. If this application is allowed, no harm or loss will cause to the accused. Delay in filing complaint is not willful delay. Therefore, 135 days delay may kindly be condoned.

4. There is delay of 135 days in filing this complaint. Respondent/accused neither appeared nor filed say to this application. The applicant/complainant has also produced copy of correspondence made with postal authority. Application for delay condonation remained unchallenged as the accused did not appear. Hence, considering the reasons given in the application and documents on record, I am of the view that, if this application is allowed no prejudice will cause to the

accused and accordingly, the application deserves to be allowed. Hence, I proceed to pass the following order.

ORDER

- 1] Application is allowed.
- 2] Delay of 135 days is condoned subject to cost of Rs. 2,000/- (Rs. Two Thousand only.)
- 3] Applicant is directed to pay the cost to the DLSA, Mumbai within two weeks since today.
- 4] J. C. is directed to register the complaint as summons case on depositing cost.
- 5] Application for delay condonation is disposed of.

Date : 19/08/2026
Place : Mulund.

Sd/-
(S. V. Swami)
Judicial Magistrate (First Class)
27th Court, Mulund, Mumbai.