

S. C. C. No. 579/2008
Syed Majuruddin -Vs- Harikisan

Order Below Exh.97
(Dated 01/01/2026)

01. This is a complaint filed by complainant against accused for the offence punishable under Sections 138 of Negotiable Instrument Act on 26/05/2008. Meanwhile complainant is died on 28/11/2024. Therefore the present application is filed by legal heirs of complainant to add them on record as complainant. The complainant have following legal heirs No.1 Quazi Syed Nizamuddin Quazi Syed Shahabuddin, No.2 Quazi Sayed Giasuddin Quazi Syed Shahabuddin, No.3 Quresha Nasreen Quazi Syed Shahabuddin & No. 4 Quazi Sayed Nida Fatima Quazi Syed Shahabuddin.

02. Advocate for complainant Shri. M.M. Khan submitted that the application is within limitation. To continue the case here in after it is necessary to add legal heirs of complainant on record. Hence the application is may kindly allow.

03. Advocate for accused Shri. S.K. Oswal strongly opposed this application. He further submitted that, the applicants have not filed a certificate of competent court on record along with the application. Also, the applicant has not been present in the court for several dates. The present application is not tenable as the case is not of civil nature so the legal heirs cannot be taken on record. So he prayed to reject the application.

04. Perused the application heard both the sides. In the present case complainant is died on 28/11/2024 after recording of particular. The stage is posted for evidence. There is no special provision made in N.I. Act but in a proceeding initiated in the Negotiable Instrument Act, on the death of the complainant his legal representative, the their agents or power of attorney holder could be permitted to prosecute the complaint. The valuable rights of legal heirs are involved in the matter. In such circumstances it is necessary to bring LRs. of complainant Quazi Syed Shahabuddin Syed Mazaruddin on record. Application is filed within limitation. Hence I pass following order;

-:: ORDER ::-

1. The application is allowed.
2. The legal heirs of complainant Quazi Syed Shahabuddin Syed Mazaruddin is impleaded in the array of complaint.
3. The applicant to amend the complaint within 14 days from today.

Sd/-

Date:- 01/01/2026

(Smt. Dr. S.V. Rajkuntwar)
Judicial Magistrate First Class,
Darwha, Dist. Yavatmal.