

ORDERS ON I.A.
U/SEC.142(b) OF N.I. ACT.

Counsel for the Complainant filed I.A. U/Sec.142(b) of N.I. Act and prays to condone the delay of 137 days in filing the Complaint.

2. In support of the Application the authorized signatory of Complainant Bank Smt.Rajalaxmi.S. filed affidavit and stated that, there were many other files which had to be arranged stacked and data collected and the authorized signatory of the Complainant bank had resigned and she was appointed to proceed with the filing, for which delay is attributed. Hence there is a delay of 137 days in filing of the said complaint and prays to allow the application.

3. The accused filed Objections to application and contended that, the Complaint is not maintainable either in law or on facts of the case. The accused borrowed loan in the Complainant financial company for the purpose of business. The husband of the accused had issued 3 cheques for security purpose and accused never signed the Cheques and not issued the cheques._The reasons stated in the affidavit to condone the delay in filing the complaint are false and also not produced any document to condone the delay. Hence prays to dismiss the application.

4. Heard,

5. The present application is filed to condone the delay of 137 days in filing the Complaint. The Complainant contended that, as the earlier authorized person had resigned and there were other many files which had to be arranged, stacked and data collected, but the grounds assigned by the Complainant for delay caused is not genuine and its not one or two days delay, but 137 days delay i.e., nearly 4½ months delay. In support of her contention the Complainant has not produced any documents to show that when the authorized signatory resigned the job. In the Objections, the accused contended that, the Complainant had filed this case after delay of 137 days and failed to mention suitable reason for delay of 137 days. Hence the grounds assigned by the Complainant to condone the delay of 137 days are not justifiable. Accordingly, I proceed to pass the following:

ORDER

I.A. U/Sec.142(b) of N.I. Act filed by the Complainant is hereby dismissed.

As there is a 137 days delay and the delay is not condoned as per above said Order, the Complaint is dismissed as time barred.

(Rajeshwari-J-Puranik)

XV Addl. Small Causes Judge &
XXIII A.C.M.M., Bengaluru.