

**IN THE COURT OF THE JUDICIAL MAGISTRATE,  
SULUR, COMBATORE DISTRICT.**

**Present: Thiru.T.Arunkumar,M.A.,M.L.,M.B.A.,**

**Judicial Magistrate, Sulur**

**Thursday the 02<sup>st</sup> day of April 2026**

**CRLMP No: 637 of 2025**

Mr. K. Ravikumar

S/o. Kasiappan

..Petitioner/complainant

**-Vs-**

Mr. Ramesh, S/o. Gopalsamy

Proprietor/Authorized Signatory of

M/s. Sri Ragaendra Traders.

... Respondents/accused

This petition has been filed on 26.09.2025 and came for final hearing on 26.03.2026 in the presence of Thiru. R. Prakash ,B.Com.,B.L., learned counsel for the petitioner and Thiru.B. Ravindiran, M.B.A.,B.L. learned counsel for the respondent and on perusal of the petition and connected records and on hearing both sides, this court passed the following

The present petition has been filed by the petitioner under section 142(b) of NI Act for condonation of delay of 261 days in filing the complaint u/s 138 r/w 142 of NI Act 1881.

**(1). The gist of the petition filed by the petitioner is as follows:**

**(1.1)** The petitioner is the complainant in the complaint filed under Section 138 of the Negotiable Instruments Act. The respondent issued cheques towards discharge of legally enforceable debt. The said cheques were dishonoured, and the petitioner issued statutory legal notice on 15.05.2024, which was received by the respondent on 16.05.2024. The respondent sent a reply with false allegations and failed to repay the cheque amount.

**(1.2)** The statutory period for filing the complaint expired on 30.06.2024. Due to

sudden illness (viral fever), the petitioner was bedridden and advised complete rest. The petitioner was also taking care of his aged parents, who are senior citizens and unwell. Due to the above unavoidable circumstances, the petitioner could not contact his counsel in time. After recovery, he contacted his counsel on 17.08.2025, resulting in a delay of 261 days in filing the complaint. The delay is neither wilful nor wanton but due to genuine and sufficient cause. If the delay is not condoned, the petitioner will suffer irreparable loss and hardship.

Hence, it is just and necessary that this Hon'ble Court may be pleased to condone the delay of 261 days in filing the complaint.

**(2). The gist of the counter filed by the Respondent is as follows:**

(2.1) The petition is false, frivolous, and filed to overcome the statutory limitation.

The respondent admits the issuance of notice and filing of complaint but denies the existence of any legally enforceable debt or liability. The reasons stated for delay, namely illness of the petitioner and his parents, are false, vague, and unsupported by any medical records or documentary evidence.

(2.2) The petitioner has failed to show "sufficient cause" as required under law. The explanation is not bona fide and appears to be an afterthought. The petitioner has not explained the delay on a day-to-day basis, which is mandatory in such applications and also failed to prove his illness supporting with documentary proof.

(2.3) The condonation of such inordinate delay would cause serious prejudice to the respondent. Hence, the petition is liable to be dismissed.

**ORDER**

**(3) This petition has been filed by the petitioner under Section 142(b) of NI Act seeking condonation of delay of 261 days in filing the complaint under Section 138 of the Negotiable Instruments Act.**

Heard both sides.

(3.1) The petitioner has contended that due to sudden illness and family circumstances involving aged parents, he was unable to file the complaint within the prescribed period. The respondent has opposed the petition stating that the reasons assigned are not supported by documents and that there is no sufficient cause for condonation of delay.

**(4) Consideration by Court**

It is settled law that while considering petitions for condonation of delay, the Court must adopt a liberal approach to advance substantial justice.

The Hon'ble Supreme Court in Collector, **Land Acquisition v. Katiji SLP (Civil) No.31248 of 2018** dated 08.04.2024 has held that:

**“Substantial justice should prevail over technical considerations and courts are empowered to exercise discretion to condone the delay if sufficient cause has been explained.”**

Further, The Hon'ble Supreme Court in N. Balakrishnan v. M. Krishnamurthy AIR 1998 Supreme court 3222 , it has been held that:

**“Length of delay is not material; acceptability of explanation is the only criterion.”**

In the present case, though the petitioner/complainant failed to produce documentary proof that alone is not a criteria to dismiss the application. The delay is considerable, the reasons assigned by the petitioner cannot be outrightly rejected at this stage. Denial of opportunity would result in miscarriage of justice.

**At the same time, the delay requires to be compensated by imposing reasonable costs.**

**Order**

- (a) Accordingly, The delay of 261 days in filing the complaint is condoned.
- (b) The petition is allowed on condition that the petitioner pays a cost of ₹5,000/- (Rupees Five Thousand only) to the respondent within two weeks from the date of this order.
- (c) On such payment, the complaint shall be taken on file.
- (d) In default of payment of costs, this petition shall stand dismissed automatically.

Dictated by me to the Steno typist and typed by her directly in the computer and after effecting necessary corrections pronounced by me in the open Court on this the 02<sup>nd</sup> day of April 2026.

(Sd/-T. Arunkumar)

**Judicial Magistrate,**

**Sulur.**

Petitioner side witness: - Nil

Petitioner side list of Documents: - Nil

Respondent side witness: - Nil.

Respondent side documents: - Nil.

(Sd/-T. Arunkumar)

**Judicial Magistrate,**

**Sulur.**