

IN THE COURT OF THE JUDICIAL MAGISTRATE, ODDANCHATRAM.

**Present: Tmt. S. Praveena, M.A., L.L.M.,
Judicial Magistrate, Oddanchatram**

Dated: Tuesday 21st day of April 2026

**CrL.M.P.No. 102/2026
CNR.No.TNDG13-000237-2026**

M/s. Shriram Finance Ltd.,
(Formerly known as Shriram
Transport
Finance Complanly Ltd.,)
Natham Branch,
Represented by its authourized
Agent,
Mr.M.Janagaran (age 54/2025)

..... Petitioner/Complainant

Vs

Thiru. Murugan,
S/o.Sarachinnam

..... Respondent/Accused

The Petition came up for final hearing before me on 18.04.2026 in the presence of **Thiru. A.Poornachandran, B.A., B.L.**, Learned counsel for the Petitioner. None appears for Respondent side. After hearing enquiry on Petitioner side and after perusal of entire material records and evidence placed before this court and having stood over for consideration till this date, this court delivers the following :

ORDER

1. The petitioner/complainant has filed the present petition under Section 142(b) Negotiable Instrument Act seeking to condone the representation delay of 94 days.

Gist of the Petition

2. The Petitioner states in his affidavit that the Respondent/Accused issued cheque dated 10.01.2025 for settlement of legally enforceable debt against them. The said cheque deposited for collection in State Bank of India, Oddanchatram branch on the same date the cheque returned on 14.01.2025 stating that “funds insufficient”. Due to which the petitioner/complainant issued legal notice served dated 06.02.2025 and instituted this case.

3. In further, the original documents in this case has been misplaced with arbitration bundles. Due to the above reasons there was 94 days delay in filing this case. The said delay was not wanton and willful. Hence the Petitioner/Complainant has prayed to allow this petition.

4. Notice to the respondent served but not appeared. Even after sufficient opportunities given, the accused had not filed counter. Hence, the opportunity to file the counter was closed.

Point to be determined

5. Whether the delay of 94 days to be condoned or not?

Discussion

6. Upon perusal it is seen that the complainant had stated in his petition the original documents in this case has been misplaced with arbitration bundles. Due to the above reasons there was 94 days delay in filing this case. The said delay was not wanton and willful. Due to which the petitioner was unable to represent the complaint within the stipulated time. The above act was not done intentionally, but occurred due the reasons stated herein and it is necessary condone delay of 94 days. The petitioner further states that if this petition is not allowed he will be put to irreparable loss and hardship and hence prayed to allow the petition.

7. It is well settled principle that while dealing with the condone delay petitions “*a liberal and justice oriented approach*” should be adopted particularly when the delay is minimal and the cause is not deliberately made up. Moreover generally the delay cannot be condoned without sufficient cause but a major aspect has to be in mind is that if in a particular case the merits have to be examined it should not be scuttled merely on the basis of limitation. Similarly upon refusing the condonation, it is all more probable that the matter would be thrown out on the basis of technicalities, in which event, the petitioner may be prejudiced.

8. In the present case considering the above this court is inclined to accept the cause shown and accordingly in the interest of justice the representation delay of 94 days is hereby condoned.

Result

9. Henceforth, for the above analysis made, the petition is **allowed**.

Dictated by me to my Steno-Typist, typed by her in the Court Computer, corrected and pronounced by me in the Open Court on this 21st day of April 2026.

**Judicial Magistrate,
Oddanchatram.**