

CR No. 90 of 2014(O&M)
Date of decision: 18.11.2015**Rakesh Mehta**

.....Petitioner

versus**Amolak Singh and others**

.....Respondents

Coram: Hon'ble Mr. Justice K.Kannan**Present:** Mr. Sumeet Mahajan, Sr. Advocate with
Mr. Amit Kohar, Advocate
for the petitioner.Mr. S.S.Narula, Advocate
for the respondents.**K.Kannan, J.(Oral)**

The plaintiff who has filed a suit for specific performance in the year 2005 is still lingering on after ten years looking for opportunities to re-open the case which was closed and for summoning of witnesses. I asked the counsel who are the witness who are sought to be summoned. Counsel says that bank officials would require to be summoned to show the plaintiffs financial resources and his readiness and willingness to pay the amount. If he had any money in his hands or deposited with the bank at the relevant time of institution of suit or when he was required to prove the readiness and willingness to get the sale deed registered, he will be competent to prove the same by production of the bank pass book issued under the seal of the bank. Its a public document and reliance would be made by virtue of the Banking Regulation and Books of Account Act, 1949.

Counsel says that he had obtained banker's cheque for payment of the

balance if he has any cheques issued with the seal of the bank that would themselves be proof of the genuineness and even for that purpose no official would require to be summoned. The cause for re-opening for summoning any of the bank officials is wholly unnecessary and needless and over doing the case for a plaintiff who has taken more than adequate opportunities to conclude his evidence.

We have come by heavy strain at various levels of judicial administration where several obstructive tactics are employed or deliberate laches permeate the trial that impede a quick and seamless process of disposal. I do not find that there is any cause of extending the courts' discretion for re-opening the case only for summoning the some witnesses of the bank. If the plaintiff wants to file any document pertaining to the proof of the resources, the plaintiff shall have a benefit of recalling himself and that single opportunity will be given to the plaintiff immediately on the next adjourned date if he so choses to take the benefit of courts direction. Revision petition is disposed of with above observations.

18th November, 2015
Shivani Kaushik

[K.KANNAN]
Judge