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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 611/2016

DHANALAXMI BANK LTD

..... Petitioner

Through Mr.Vijay Shankar, Advocate for
Mr.A.N.Tiwari, Advocate

versus

ALIMUDDIN KHAN & ANR

..... Respondents

Through None.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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05.10.2016

1. By the present petition, the petitioner seeks to impugn the orders dated 14.01.2016 and 01.03.2016 passed by the trial court.
2. The petitioner has filed the present suit for recovery of Rs.3,90049.60/-.
3. Despite the respondents being served, none has appeared for the respondent.
4. The grievance of the petitioner is that on 14.01.2016 the trial court noted that the learned counsel for the petitioner seeks an adjournment to lead *ex-parte* evidence as the original book of resolution has not been brought today.
5. The contention of the petitioner is that the legal office of the petitioner is situated at Thrissur in Kerala and that it is possible to produce the original minutes book. It is stated that a certified copy of the duly attested by the company secretary is on record. Reliance is placed on Section 21 of the

Companies Act, 2013 and on judgment of this court in the case of M/s Sangat Printers Pvt. Ltd. v. M/s Wimpy International Ltd., RFA No.657/2003, decided on 17.01.2012 and judgment of the Supreme Court in the case ***R.V.E. Venkatchala Gounder v. Arulmigu Viswesraswami & V.P. Temple & Anr., (2003) 8 SCC 752***, to contend that it is not necessary to produce the original book of resolution.

6. In my opinion, perusal of the impugned order shows that there is no direction to produce the original book of resolution. The petitioner is free to lead its evidence and to prove the resolution as per law.

7. With the above observation, the present petition stands disposed of.

JAYANT NATH, J.

OCTOBER 05, 2016/v