

\$~A-10

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

+ CM(M) 615/2012 and CM No. 9446/2012 (stay)

RAJENDRA PROPERTIES DELHI PVT LTD Petitioner
Through Mr. Rajesh Aggarwal, Advocate.

versus

JYOTI SEHGAL & ORS Respondents
Through None.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
28.02.2017

%

1. Despite service, none is present for the respondents.
2. By the present petition filed under Article 227 of the Constitution of India, the petitioner seeks to impugn the order dated 30.01.2012 by which an application filed by the petitioner under Section 151 CPC for permission to produce the extract of the Resolution dated 19.03.2010 and the original minute books for the year 2009-10 by way of supplementary affidavit of PW-1-Sh. Rajinder Jain was dismissed.
3. It was contended that the suit was filed in 1997. It was stated that the minute books for the 1997 are not traceable. Hence as an abundant precaution, a fresh resolution dated 19.03.2010 was passed on behalf of the petitioner/plaintiff Company. The trial court however noted that along with the application, there were no documents or copies supplied and none were supplied to the respondent. The trial court concluded that the documents are

not in existence. The trial court dismissed the application.

4. A review petition was filed against the said order pointing out that documents were filed with the application under Section 151 CPC. Fresh documents were also filed with the review. However, the trial court dismissed the review petition.

5. Learned counsel appearing for the petitioner relies upon the judgment of the Supreme Court in the case of ***Maharashtra State Mining Corpn. Vs. Sunil, (2006) 5 Scale 17 SC*** and ***Punjab University vs. V.N.Tripathi & Anr., (2001) 8 SCC 179*** to contend that where there is a defect in a resolution permitting the authority to institute a suit, supplementary resolution can be passed rectifying the act of having instituted the suit.

6. Keeping in view the submission of the learned counsel for the petitioner, the petition is allowed. The two documents which are sought to be placed on record are permitted to be taken on record subject to just exceptions.

7. In view of the above, the petition stands disposed of.

8. All pending applications also stand disposed of.

JAYANT NATH, J

FEBRUARY 28, 2017

rb