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

+ **CM(M) 1303/2017**

STATE BANK OF INDIA

..... Petitioner

Through: Mr. Ankit Jain, Mr. Sarvesh Rai &
Mr. A.K. Rajgopal, Advs.

Versus

MADHU AHLUWALIA

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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20.11.2017

CM No.41822/2017 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

CM(M) 1303/2017 & CM No.41823/2017 (for stay)

3. This petition under Article 227 of the Constitution of India impugns the order [dated 31st October, 2017 in CS No.10128/2016 of the Court of Additional District Judge-06, District West, Tis Hazari Courts, Delhi] closing the right to lead evidence of the petitioner / defendant.
4. The petitioner / defendant admittedly did not lead any evidence inspite of opportunities therefor given on 6th July, 2017, 10th October, 2017 and 31st October, 2017.
5. The learned ADJ in the impugned order has recorded that the suit from which this petition arises is more than ten years old and in accordance with the directives of the National Court Management Systems Committee of the Supreme Court and State Court Management Systems Committee of

this Court is required to be disposed of before the end of this year. The learned Additional District Judge, after so closing the evidence of the petitioner / plaintiff posted the suit for final arguments on 13th November, 2017.

6. The counsel for the petitioner / defendant however on enquiry states that final arguments have not been heard and the suit is listed for the said purpose on 23rd November, 2017.

7. Though the Courts in the past have been lenient in interfering with such orders against public financial institutions where such defaults occur because of negligence of officials who have no personal stake in the lis and the adverse decree if follows does not affect them personally and rather causes loss to the public exchequer but on perusal of the issues framed in the suit on 23rd March, 2009 and on understanding the controversy from the counsel for the petitioner / defendant, I am of the view that it is not deemed expedient to, at this stage, interfere with the impugned order and it is expedient that the final arguments are heard and the suit decided.

8. It is however made clear that if the final outcome in the suit is against the petitioner / defendant and / or for the reason of the petitioner / defendant having not lead any evidence, the petitioner / defendant, in the appeal if any preferred thereagainst, shall have liberty to also challenge the order closing the evidence and on the same grounds as urged in this petition.

8. With the aforesaid observations, the petition is disposed of.

No costs.

Dasti under signature of Court Master.

RAJIV SAHAI ENDLAW, J

NOVEMBER 20, 2017/‘gsr’..