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

Date of decision: 22.08.2023

+ **CM(M) 1346/2023 & CM APPLs. 43044-45/2023**

UNION BANK OF INDIA

..... Petitioner

Through: **Mr. Janendra Lal and Ms. Yasmin Tarapore, Advocates.**

versus

SAMUNDER SINGH & ANR.

..... Respondent

Through:

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

CM APPL. 43045/2023 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

CM(M) 1346/2023 & CM APPL. 43044/2023

1. This petition filed under Article 227 of the Constitution of India impugns the order dated 08.06.2023 passed by ADJ-04, North West, Rohini Courts, Delhi ('Trial Court'), in CS DJ 578967/2016, titled as **Samunder Singh v. Union of India**, issuing bailable warrants to the Regional Manager of Union Bank of India for production of the summoned record.

2. The learned counsel for the Petitioner states that the Respondent herein had filed an application dated 10.02.2020 for summoning the official of the Petitioner's Bank along with four (4) documents.



2.1 He states that out of the enlisted four (4) documents, three (3) documents at serial nos. at 1, 2 and 3 have already been produced by the Petitioner herein along with its written statement.

2.2 He states that the Petitioner herein remains ready and willing to produce further certified copies of the said three (3) documents before the Trial Court on the next date of hearing.

2.3 He states that, however, with respect to the documents enlisted at serial no.4, the said document is not in the power and possession of the Petitioner Bank. He further states that in fact the said purported document finds no mention in the pleadings of either party. He states that the Petitioner Bank will file an affidavit to the effect that the document at serial no. 4 is not in possession of the Petitioner Bank before the Trial Court on or before 25.08.2023.

2.4 He states that the Petitioner is therefore, not in breach of any directions issued by the Trial Court and in these circumstances, the impugned order directing issuance of bailable warrants is not warranted.

3. None appears for the Respondent despite advance service.

4. This Court has considered the submissions of the counsel for the Petitioner and perused the record.

5. The four (4) documents in respect whereof the production has been directed by the Court reads as under:

(i) Agreement for OD/ CC on security of Share, Securities and Life Insurance Policies dated 01.11,2013 executed in between Sh Samunder Singh and Corporation Bank in respect of Loan A/c No. CCGSL/01/130009.

(ii) Account statement of OD /CC A/c No. CCGSL/01/130009 FROM



01.11.2013 to 30.08.2016 in name of Samunder Singh.

(iii) Account statement of savings bank account no. CLSB/01/110003 w.e.f. 01.11.2013 to 31.03,2017 in name of Sh Samunder Singh

(iv) Copy of letter / request from Samunder Singh for surrender/ return of the three policies bearing no. 126222519, 126222521 & 126222524 which were kept as security in loan account no. CCGSL/01/130009.

6. In view of the submissions of the counsel for the Petitioner that the document at serial nos. 1 to 3 have already been filed along with the written statement and he is further willing to file certified copy of the said documents again on 25.08.2023, in the opinion of this Court, the said action will be sufficient compliance of the direction of production. He states that the copies will be certified in accordance with the provisions of The Bankers Books Evidence Act, 1891.

7. Further, with respect to document at serial no.4, in view of the statement made by the counsel for the Petitioner that the officer in charge will file an affidavit to the effect that the said document is not in power and possession of the bank, the same is again sufficient compliance of the orders of the Court.

7.1. The Petitioner is directed to file a comprehensive affidavit before the Trial Court placing on record the certified copies of documents at serial nos. 1 to 3 and the affidavit with respect to non-possession of the document at serial no.4 on or before 25.08.2023 so that the Trial Court can satisfy itself with respect to the submissions of the Petitioner herein.

8. In view of the above, the directions of issuance of bailable warrants issued by the Trial Court *vide* impugned order dated 08.06.2023 are set aside.

9. With the aforesaid directions, the present petition is disposed of.



10. Pending application stands disposed of.
11. However, liberty is reserved to the Respondent in case he wants to seek any variation of the order passed above.

MANMEET PRITAM SINGH ARORA, J
AUGUST 22, 2023/msh/sk

[Click here to check corrigendum, if any](#)

