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

Date of decision: 26.09.2023

+ **CM(M) 1589/2023 & CM APPLs. 49993-94/2023**

CANARA BANK

..... Petitioner

Through: Mr. Krishan Kumar, Ms. Neetu Sharma, Mr. Atul Sheopasi and Mr. Nitin Pal, Advocates

versus

M/S SOMA ENGINEERING

..... Respondent

Through: None

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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. 49992/2023 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

CM(M) 1589/2023

1. This petition filed under Article 227 of Constitution of India impugns the order dated 12.07.2023 passed by the District Judge (COMM.)-03, Shahdara District, Karkardooma Courts, Delhi ('Trial Court') in CS (COMM.) No. 696/2022, titled as '**Central Bank v. Soma Engineering**', whereby the Trial Court has issued directions to the Chairperson, Canara Bank i.e., Petitioner No.1, to make an enquiry with respect to the facts set out in the order dated 12.07.2023.



2. The learned counsel for the Petitioner states that the documents in possession of the Petitioner bank duly disclose that a financial facility of Rs.8 lakhs was initially issued in favour of erstwhile proprietor of the Respondent i.e., late Shri Sukanto Bank on 02.02.2010, which was renewed by late Shri Sukanto Bank from time to time. He states that late Shri Sukanto Bank expired on 10.09.2017 and during his life time on 04.08.2017, he issued a letter of authority in favour of his son, Mr. Babu Bank (the current proprietor), authorising him to use and operate the said financial facility.

2.1. He states that therefore, as per the documents available on record of the Petitioner Bank, the financial facility for and on behalf of M/s Soma Engineering was being used and operated by Shri Babu Bank during the life time of late Shri Sukanto Bank.

2.2. He also relies upon the letter dated 28.11.2017 issued by the daughter of late Shri Sukanto Bank to the Petitioner bank confirming that she has no right, title or interest in the assets of her father, late Shri Sukanto Bank and more specifically, the financial facility in O.D. bank account No. 90101400000610.

2.3. He states that the said letter issued by the daughter, Smt. Soma Maiti, further confirmed the fact that Shri Babu Bank is the sole legal heir of late Shri Sukanto Bank, who has succeeded the business of M/S Soma engineering. He states that this is also evident from the documents issued by the statutory authority i.e., GST. He further placed reliance on the documents placed before this Court as Annexure P-4 and P-5 (Colly).

2.4. He states that he seeks liberty to place all these documents on record of the Trial Court and for an opportunity to satisfy the said Court that there was no intention of withholding information while filing the suit.



2.5. He states that these documents are sought to be placed on record only to respond to the enquiry initiated by the Trial Court on 12.07.2023 and are not being placed on record in support of the claims already raised in the suit. The said statement is taken on record and the Petitioner is bound down to the same.

2.6. He states that as a measure of good faith, the enquiry as directed by the Trial Court has also been simultaneously initiated by the Chairperson, Canara Bank. He states that the Petitioner, however, without prejudice to the said enquiry, seeks an opportunity to satisfy the Trial Court about the facts of the financial transaction so as to preclude any adverse influence being drawn against the plaintiff or its officials.

3. This Court has considered the submissions of the Petitioner and perused the documents referred to.

4. None appears for the Respondent despite advance service.

5. In view of the submissions made by the Petitioner, this Court deems it appropriate to grant liberty to the Petitioner to place before the Trial Court, the documents filed with this petition, to satisfy the said Court with respect to the questions framed by it on 12.07.2023. This will be in addition to and not in derogation of the enquiry, which the Chairperson of Petitioner is independently carrying out.

6. Accordingly, the Trial Court is requested to consider the said documents and the submissions of the Petitioner, being uninfluenced by the observations already made in the order dated 12.07.2023.

7. Needless to state that an opportunity will be granted to the Respondent to respond to the documents, which are now sought to be placed on record by the Petitioner.



8. The learned Trial Court is requested to grant an opportunity of hearing to the Petitioner and issue appropriate directions, after considering the said documents as well as the submissions of the Petitioner and Respondent.
9. With the aforesaid directions, the present petition is disposed of. Pending applications stand disposed of.
10. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
SEPTEMBER 26, 2023/rhc/aa

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