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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision :24.04.2024

1.

CR-1367-2020(O&M)

Iqbal Singh

...Petitioner

Vs.

HDFC Bank Limited and others

...Respondents

2.

CR-1408-2020 (O&M)

Sukhwinder Singh

...Petitioner

Vs.

HDFC Bank Limited and others

...Respondents

3.

CR-1392-2020(O&M)

Satnam Singh

...Petitioner

Vs.

HDFC Bank Limited and others

...Respondents

4.

CR-1369-2020(O&M)

Smt. Manmeet Kaur

...Petitioner

Vs.

HDFC Bank Limited and others

...Respondents

5.

CR-1368-2020(O&M)

Tarsem Singh

...Petitioner

Vs.

HDFC Bank Limited and others

...Respondents

**CR-1367-2020(O&M) and
other connected cases**

**2024:PHHC:057051
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6.

CR-1409-2020(O&M)

Smt. Gurdeep Kaur

...Petitioner

Vs.

HDFC Bank Limited and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harsh Aggarwal, Advocate
for the petitioner(s).

Mr. Ashwani Bakshi, Advocate
for respondents No. 1 and 2.

ANIL KSHETARPAL, J. (Oral)

1. With the consent of the learned counsel representing the parties, these six connected civil revisions shall stand disposed of by this common order.

2. In all these cases, the petitioners are the plaintiffs in a suit for recovery filed by them against HDFC Bank Limited and others. In substance, the plaintiffs claim that previously they had opened the Bank accounts and deposited the amount with Bank of Punjab, which was subsequently merged into Centurion Bank, which in turn merged into HDFC Bank. It is case of the plaintiffs that a representative of the HDFC Bank came to their place and got their signatures on blank cheques in order to open new accounts and transferred the amount lying in the old accounts to the new accounts. However, he played fraud not only with the plaintiffs but a large number of residents of the area. Hence, the suit was filed.

3. During the affirmative averments, the plaintiffs filed an application for permission to place on record various documents like date of

opening of the account, detailed statement of account from the date of opening till date, specimen signature sheet, account opening form, vouchers for deposit of the amount and relevant record in the possession of Bank required for opening a new account like Pan Card number, proof of residence, introduction form etc. of various accounts, which were opened by the official in the name of the plaintiffs. However, due to oversight, the aforesaid application was not decided. Thereafter, the plaintiffs closed their evidence and the Bank also led it's evidence. At that stage, an application for an additional evidence was filed, which was dismissed by the Court. The petitioners filed six civil revision petitions, which were disposed of while permitting the plaintiffs to file fresh detailed applications. Pursuant to the direction of the Court, fresh detailed applications were filed, which have been dismissed by the trial Court on the ground that the evidence sought to be led is beyond the pleadings of the plaintiffs and it is not relevant for the decision of the case.

4. Learned counsel representing the petitioner submits that the plaintiffs are seeking recovery of the amount from the Bank. It has been alleged that they stand deprived of the amount, which were lying in their old accounts. He submits that production of the relevant documents shall be necessary for the proper adjudication of the case.

5. *Per contra*, learned counsel representing the respondent-Bank submits that the plaintiffs have already availed 46/47 opportunities.

6. This Court has considered the submissions of the learned counsel representing the parties.

7. The petitioner has sought permission of the Court to produce the

following documents in additional evidence:-

“(a) That the plaintiff is filing the account numbers of which complete record like date of opening of the account, detail statement of account from the date of opening till date, specific signature sheet, account opening form in the shape of application of the applicant/plaintiff, original vouchers of the deposits of the amount at the time of opening of the new account and bank required for opening of the new account introduction forms of the account holder detail of the accounts is as under :-

1. Satnam Singh	03971000105422	old
2. " "	03971000066059	new
3. " " (Huf)	03971000152564	old
4. " " (Huf)	03971000065645	new
5. Satwant Kaur	03971000063441	new
6. " "	03971600004432	old
7. Sarabjeet Kaur	03971600002818	old
8. Inderpal Singh	03971000063815	new
9. " "	03971000149580	old
10. " " (Huf)	03971000065638	
11. " "	03971930004600	old
12. Manpreet Kaur	03971000063399	
13. " "	03971600002801	old
14. Manmeet Kaur	03971600002828	old
15. Harbans Kaur	03971000152557	old
16. " "	03971570000795	
17. Sukhwinder Singh	03971600002845	old
18. " "	03971000063400	old
19. Gurdeep Kaur	03971000065058	old
20. " "	03971600002835	old
21. Tejinder Singh	03971000070305	old
22. Iqbal Singh	03971600002921	old
23. Tarsem Singh	03971600002862	old
24. Surjit Singh	03971600002852	old
25. Sanjay Kumar	03971930003952	old

The record of accounts numbers was summoned from the witness who use to appear and got the adjournment with excuse that the record has not been received from the record room of the bank from Head Office, through this fact has not been mentioned in any orders duly mentioned in the present application. The summoned record is very much necessary for the correct decision of the case.”

8. This record pertains to old and new accounts opened in the name of various plaintiffs. It is a well settled legal principle that evidence is not required to be incorporated in the pleadings. As per Order VI Rule 2 of the

Code of Civil Procedure, 1908, only facts are required to be stated in the plaint in a concise form and not the evidence, which required to be led by the party to the suit. Hence, the trial Court has erred in observing that the evidence is sought to be led is beyond pleadings.

9. Furthermore, it is evident that the plaintiffs are alleging that they stand deprived of their amount, which was lying in the old accounts maintained with the Bank of Punjab. It is evident from the application that new accounts were also opened by the HDFC Bank. In these circumstances, the evidence sought to be led is not irrelevant.

10 In any case, the rules of procedure are the handmaids of justice, which must be applied to advance the cause of justice rather than creating obstructions in way of justice.

11. Keeping in view the aforesaid facts, identically awarded impugned orders in all the six revision petitions are set aside. The applications filed by the plaintiffs shall stand allowed.

12. The revision petitions stand allowed.

24.04.2024
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Whether speaking/reasoned :
Whether Reportable :

(ANIL KSHETARPAL)
JUDGE

Yes No
Yes No