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

% ***Date of decision: 23rd July, 2024***

+ **CM(M) 1796/2023 & CM APPL. 56816/2023**

NEERAJ DHAWAN

.....Petitioner

Through: **Mr. Mayank Gupta, Advocate.**
(through video conferencing)

versus

THE BRANCH MANAGER, STATE BANK OF INDIA

.....Respondent

Through: **Mr. Rajiv Kapur with Mr. Akshit**
Kapur and Mr. Aman Ghawana,
Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Learned counsel for the petitioner has joined the proceedings through video conferencing.
2. The issue raised in the present petition is very precise.
3. When the case was at the stage of final arguments, the plaintiff (petitioner herein) moved an application before the learned Trial Court under Section 65 of the Indian Evidence Act, 1872, praying therein that he may be permitted to place on record the photocopy of pay-in-slip dated 25.07.2014 with permission to exhibit the same by leading secondary evidence.



4. Such application was dismissed by the learned Trial Court, which has compelled the petitioner to file the present petition.
5. When this matter was taken up by this Court on 03.11.2023, while issuing notice to the respondent bank, i.e. State Bank of India, it was also directed to produce before the Court, the copy of the pay-in-slip dated 25.07.2014, as available in the record of the Bank. In terms of the aforesaid directions, a copy of such pay-in-slip has already been placed on record vide diary No.2385687.
6. During course of the arguments, a query was put to both the sides to the effect whether the Bank can be directed to place on record such pay-in-slip in original before the learned Trial Court and since the case is already at the stage of final arguments and keeping in mind said document, i.e. pay-in-slip, which seems to be of unquestionable nature, the Court may hear the arguments while also considering the aforesaid pay-in-slip.
7. Learned counsel for the petitioner states that he does not want to examine any witness and he would be satisfied if a direction to said effect is made and learned Trial Court is directed to consider the aforesaid pay-in-slip and to dispose of the suit in accordance with law after hearing both the sides.
8. Learned counsel for the respondent has also no objection in this regard and undertakes that such pay-in-slip in original, as available with the bank record, would be placed before the learned Trial Court on the next date of hearing, i.e. 31.08.2024.



9. In view of said statements and keeping in mind the facts of the case, the petition is disposed of with direction to the learned Trial Court to take on record the aforesaid pay-in-slip. Since the case is already at the stage of final arguments, it would hear both the sides and take into consideration said pay-in-slip as proved and would then dispose of the matter in accordance with law.

10. Petition stands disposed of in the aforesaid terms.

11. Before parting, it is clarified that this Court has not expressed any opinion about the merits of the case as a whole.

(MANOJ JAIN)
JUDGE

JULY 23, 2024
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