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

Date of decision: 16th August, 2024

\+ CM(M) 3181/2024 & CM APPL. 47106-47107/2024

PUNJAB AND SIND BANK .....Petitioner

Through: Mr. Rajinder Wali, Advocate.

versus

MADAN MURARI MISHRA & ANR. .....Respondents

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T ***(oral)***

1. The petitioner bank has filed a suit for recovery of Rs.7,79,038.23 against the respondents herein.

2. During course of the proceedings before the learned Trial Court, the defendants were proceeded against *ex-parte* and their right to file written statement was also closed since there was no appearance, despite service by way of publication.

3. When the learned Trial Court was hearing final arguments, it sought certain clarification from the plaintiff bank and, therefore, the Branch Manager was directed to appear in person and to explain about the policy of the Bank in the backdrop of the relevant RBI guidelines. Such order was passed on 09.02.2024.

4. Thereafter, one affidavit was also filed by the General Manager of the plaintiff Bank.

5. The learned Trial Court granted further time to the plaintiff Bank

to look into the matter and to endeavour to carry out the requisite policy correction as has been done by 'Indian Bank' and 'Canara Bank'.

6. Since despite repeated directions, the orders were not complied with, the learned Trial Court burdened the plaintiff Bank with cost of Rs.15,000/- and thereafter with further cost of Rs.25,000/- vide order dated 01.08.2024.

7. Such order is under challenge.

8. Learned counsel for the petitioner Bank states that he does not have any grievance with respect to the wonderful suggestion given by the learned Trial Court. However, it is contended that there are certain procedural hurdles and without following the due procedure, it is not always possible to formulate any policy in time-bound manner. It is also stated that the active steps are already underway and once the Board of the petitioner Bank eventually considers the purported policy, the concern raised by the learned Trial Court would be automatically taken care of.

9. At the cost of repetition, learned counsel for the petitioner Bank states that he is not shying away from the process of formulating a policy but the policy has to be eventually as per the approval of the Board only and, therefore, the learned Trial Court should not have imposed any cost.

10. When asked, learned counsel for the petitioner Bank submitted that it may take another four months or so to complete the entire process, while supplementing that the ultimate power vests with the Board only. It is also apprehended that if the policy is not in synchronization with the suggestion given by the learned Trial Court,

the learned Trial Court may take harsh steps, as is indicated and reflected in the order dated 01.08.2024.

11. During course of the arguments, learned counsel for the petitioner Bank has stated that he only seeks reasonable time for the purpose of doing the needful and nothing beyond at this stage.

12. In view of the above, the present petition is disposed of with the direction that the learned Trial Court would grant further time of around four months and, in the interregnum, no harsh steps are taken against the plaintiff Bank.

13. Though, keeping in mind the overall facts and circumstances of the case, this Court is not inclined to waive the cost, the plaintiff Bank is at liberty to move application afresh before the learned Trial Court seeking waiver of the cost. This Court expects that keeping in mind the above said observation, the learned Trial Court would consider such request sympathetically.

14. The present petition stands disposed of in the aforesaid terms. Needless to say, learned Trial Court is always at liberty to dispose of the main suit, in accordance with law.

15. Copy of the order be given Dasti under the signatures of the Court Master.

(MANOJ JAIN)
JUDGE

AUGUST 16, 2024
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