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

+ **CM(M) 485/2025 & CM APPL. 15197/2025**

AKASH PARMAR

.....Petitioner

Through: Mr. Vishal Chauhan, Ms. Rashi Jain,
Mr. Mihir Garg, Mr. Shirja Sharma,
Mr. Ramesh Pandey and Ms. Kavita
Singh, Advocates.

versus

**LIC HOUSING FINANCE LTD. THROUGH ITS DIRECTOR SHRI
SANJEEV GUPTA & ANR.**

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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12.03.2025

CM APPL. 15198/2025

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CM (M) 485/2025

By way of the present petition filed under Article 227 of the Constitution of India, the petitioner impugns order dated 07.01.2025 passed by the learned District Judge, Commercial Court-02, South East District, Saket Courts, New Delhi in case bearing CS (COMM) No. 43/2023, whereby an application filed by the plaintiff/LIC Housing Finance Limited (respondent No.1 herein) under Order XI Rule 1(5) of the Code of Civil Procedure, 1908 ('CPC') has been allowed, and the plaintiff lender has been permitted to file the loan



account statement and closure letter that they had omitted to file earlier. The application has been allowed subject to the plaintiff paying costs of Rs.20,000/- to the defendant (petitioner herein).

2. Ms. Rashi Jain, learned counsel appearing for the petitioner submits, that the stage for filing documents had passed; that the matter was pending before the learned Local Commissioner for recording evidence; and respondent No.1 was required to file their affidavit-in-evidence, at which point the application under consideration came to be filed.
3. Counsel submits that under the Commercial Courts Act, 2015 timelines are relevant and respondent No.1 could not have been permitted to bring on record any additional documents at the stage at which the matter was pending.
4. In support of her case, the petitioner cites a decision of a Co-ordinate Bench of this Court in **Anita Chhabra & Ors. vs. Surender Kumar**.¹ It is contended that in the said judgment a Co-ordinate Bench of this court has declined to accept the negligence on the part of counsel to file additional documents as 'reasonable cause' within the meaning of Order XI Rule 1(5) of the CPC as applicable to commercial suits.
5. In the present case however, a perusal of the impugned order shows that the considerations that have weighed with the learned trial court for allowing the application to bring on record additional documents, were the following:

¹ 2022:DHC:3873



“... .. It is submitted that the Plaintiff Company recently engaged the counsel following the withdrawal of their previous counsel. The previous counsel conveyed their withdrawal via an email dated 14.08.2024. It is submitted that upon receiving the case file on 21.08.2024, he discovered that a critical loan account statement and the closure letter, which are essential for establishing the recoverable amount of Rs.60,05,510/-, had not been filed along with the plaint. It is further submitted that the document labelled as Annexure A-6 is incomplete. It merely contains details of Loan Account No. 310700001577 and pending dues between 06/2018 and 28.02.2022, but does not provide the complete statement necessary for adjudicating the dues.”

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*“The Court has carefully considered the submissions of both parties, the facts of the case, and the relevant legal principles. The Hon'ble Supreme Court in **Sangram Singh v. Election Tribunal, Kotah (AIR 1955 SC 425)** has observed that procedural laws are intended to facilitate justice rather than serve as technical barriers. The Court emphasized that procedural rules should not frustrate the cause of justice and that a reasonable elasticity of interpretation must be maintained, provided justice is done to both parties.*

“In the present case, the documents sought to be filed are undeniably critical to the adjudication of the plaintiff's claim. Denying the application would prejudice the plaintiff and obstruct a just determination of the dispute. At the same time, the Court must ensure that the defendant is not unduly burdened or prejudiced due to the plaintiff's delay in filing these documents.”

(bold in original; underscoring supplied)

6. In the opinion of this court, though timelines and procedures are certainly relevant, they cannot be employed to defeat a just decision of a dispute.
7. In this case, respondent No.1 – namely M/s. LIC Housing Finance Ltd. – is a lender; and, as recorded in the impugned order, a document



containing the details of the loan account number and the pending dues *had already been filed* but, by omission of counsel, a *complete copy* of the statement of loan account and the closure letter, which are essential for establishing the recovery of the large sum of Rs. 60,05,510/-, had not been filed alongwith the plaint.

8. As things stand today however, the learned District Judge has accepted the ground and the explanation furnished by the respondent No.1 for non-filing of the statement of loan account and the closure letter, as 'reasonable cause' within the meaning of Order XI Rule 1(5) CPC; and the remit of this court in the present proceedings is to decide whether or not to interfere in that order in exercise of its supervisory jurisdiction under Article 227 of the Constitution.
9. In the facts of the present case, this court does not consider it necessary or proper to second-guess the sufficiency of cause accepted by the learned District Judge since that would amount to preventing a lender, which is a public institution, from establishing on merits that the borrower (the petitioner in these proceedings) owes money, by foreclosing its right to file additional documents, which are merely the complete statement of the loan account and the closure letter pertaining to the loan.
10. It may also be noticed that, it is not as if respondent No.1 was remiss in filing any document in evidence of the loan or of the amount owed, but was only seeking permission to file a complete statement of the loan account and a closure letter, which has been allowed by the learned District Judge.



11. Furthermore, in order to compensate the petitioner for the delay on the part of respondent No.1, the learned District Judge has also awarded costs of Rs.20,000/- in favour of the petitioner.
12. In the circumstances, this court does not find any justifiable ground to interfere with the impugned order in its supervisory jurisdiction under Article 227 of the Constitution of India.
13. The petition is accordingly dismissed at the stage of issuance of notice itself.
14. Pending applications, if any, stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

MARCH 12, 2025

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