2025:DHC:10486

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

% *Date of Decision: 26.11.2025*

\+ **CM(M) 2278/2025, CM APPL.74206/2025 & 74207/2025**

STATE BANK OF INDIA .....Petitioner

Through: Ms. Jaya Tomar, Advocate

versus

SHRI S C. GOEL .....Respondent

Through: None

CORAM: JUSTICE GIRISH KATHPALIA

O R D E R (ORAL)

1. This matter has been received in this post-lunch session through the second supplementary list after mentioning was allowed by the Hon'ble Chief Justice.

2. Petitioner/defendant bank has assailed order dated 18.10.2025 of the learned trial court, whereby application of the petitioner/defendant bank under Order VIII Rule 1A(3) CPC (*filed after part final arguments were advanced in ten year old suit*) was dismissed. Having heard learned counsel for petitioner/ defendant bank, I find no reason to even issue notice of this application.

3. Broadly speaking, the impugned order dismissed the application under Order VIII Rule 1A(3) CPC on the ground of no explanation as

regards failure to file the documents at relevant stage and also on the ground that the petitioner/defendant bank is trying to plug loopholes, which were pointed out by the other side during final arguments.

4. Learned counsel for petitioner/defendant bank submits that the subject additional documents could not be filed at appropriate stage because the same were not traceable and the Regional Business Office of petitioner/defendant bank shifted from Meerut to Muzaffar Nagar. Learned counsel for petitioner/defendant bank explains that some of the subject additional documents were lying in Kharad Branch of Muzaffar Nagar and some were lying at Regional Business Office, Meerut. Learned counsel for petitioner/defendant bank also submits that even if subject to cost, the present application deserves to be allowed. In support of her contentions, learned counsel for petitioner/defendant bank places reliance on the judgment of Hon'ble Supreme Court in case of ***Sugandhi (Dead) by LRs & Anr. vs P.Rajkumar***, (2020) 10 SCC 706.

5. In the case of ***Sugandhi*** (supra), the stage at which the application under Order VIII Rule 1A(3) CPC was filed was prior to commencement of evidence of the defendant and there was satisfactory explanation as regards the defendants' failure to file the documents at appropriate stage. In contrast, in the present case, the petitioner/defendant bank has brought this application after part final arguments were advanced, pointing out the lacunae in the case set up by the petitioner/defendant bank. The view taken by the learned trial court in the impugned order is that now the petitioner/defendant bank is trying to fill in the lacunae, which cannot be

permitted. In fact, even in ***Sugandhi*** (supra) the Hon'ble Supreme Court categorically held that there cannot be straight jacket formula for grant or denial of such application.

6. As regards failure to file the subject additional documents at appropriate stage, only vague explanation has been rendered in the application under Order VIII Rule 1A (3) CPC to the effect that the Regional Business Office shifted from Meerut to Muzaffar Nagar and some documents were lying in Meerut and others in Muzaffar Nagar. Not a whisper has been advanced to disclose as to when the office was shifted and when the subject additional documents were misplaced and discovered by the petitioner/defendant bank, in case the same had got misplaced, and on this aspect of documents getting misplaced also, there is no clear explanation. More importantly, the petitioner/defendant bank is not a lay litigant or an individual person. The petitioner/defendant bank is a nationalized bank with vast paraphernalia including a law department with senior functionaries drawing salary from exchequer and none of them seems to have kept a track of record. Nothing has been disclosed as to what efforts were done by the authorized representative of the petitioner/defendant bank to locate those documents. Rather, it appears that petitioner/defendant bank kept sleeping over the issue and woke up only when during final arguments, the lacunae were pointed out by the other side. There is also nothing on record to rule out if any conscious efforts were done by the concerned officers of petitioner/defendant bank to help the other side by not filing the documents at appropriate stage; in such situation, it is those erring officials of the petitioner/defendant bank who should be made to replenish the loss, if

any, the petitioner/defendant bank would suffer in the suit.

7. At this stage, learned counsel for petitioner/defendant bank contends that the respondent/plaintiff in reply to the application has not denied the relevance of the subject additional documents. Rather, the perusal of the reply would show that preliminary objection no. 6 was specific to the effect that relevance of the subject additional documents has not been disclosed by the petitioner/defendant bank.

8. Further, it is not denied that evidence of the petitioner/defendant bank was closed not by specific order of the trial court but on statement of the counsel for petitioner/defendant bank. There is nothing at all on record to suggest that even at that stage, the petitioner/defendant bank tried to somehow get the matter adjourned for further evidence of defendant, awaiting any additional document. Even thereafter, the suit remained pending for final arguments for about 10 months. To reiterate, it is only after the final arguments were partly advanced that the petitioner/defendant bank realized their negligence (*if not deliberate default*) in conducting the trial.

9. There is another aspect. If the impugned order is set aside and the petitioner/defendant bank is granted opportunity to file additional documents, the respondent/plaintiff would have to be called again into the box for being confronted with those documents, followed by more witnesses from petitioner/defendant bank to prove those documents. Practically, it would be a case of *de novo* trial, that too, in the suit pending since the year 2015 in which evidence of petitioner/defendant bank was closed on 16.12.2024 by the petitioner/defendant bank itself and thereafter, for almost

10 months till passing of the impugned order, the suit remained at the stage of final arguments.

10. I find no infirmity in the impugned order, so the same is upheld. The petition is devoid of merits, so dismissed. Pending applications also stand disposed of.

GIRISH KATHPALIA
(JUDGE)

NOVEMBER 26, 2025/as