

CNR NO.DLST01-005183-2025
CR REV NO. 172/2025
OXYZO FINANCIAL SERVICES LTD.
VS.
M/S. SANYOG HEALTHCARE LTD. & ORS.

04.08.2026

Present:- Sh. Kumar Shashwat and Sh. Keshav Chandra, Ld. Counsels
for the Revisionist.

None for the Respondents.

An application has been filed on behalf of the Revisionist seeking permission to place on record fresh Board Resolution.

It is submitted in the application that the present Revision Petition has been signed by Sh. Chandan Goswami, as Authorised Representative of the Revisionist Company and subsequent to filing of the Revision Petition said Sh. Chandan Goswami has left the services of the Revisionist Company and thereafter an application was filed for change of Authorised Representative and Board Resolution dated 16.12.2024 was filed to present Ms. Vishakha Dutt as Authorised Representative to represent the Revisionist Company in the present proceedings and the said application was allowed. However, thereafter, vide order sheet dated 04.04.2026 it was observed that there were three counsels / legal practitioners namely Sh. Chandan Goswami, Ms. Soumya Kumar and Sh. Armaan Grover, acting as Authorised Representatives vide Board Resolution dated 16.12.2024, whereas the said Resolution authorised only Ms. Soumya Kumar and Sh. Armaan Grover to engage or appoint any advocate and, therefore, fresh Board Resolution dated 18.05.2026 has been

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filed authorising Ms. Vishakha Dutt and Ms. Soumya Kumar and Sh. Armaan Grover as Authorised Representative of the Revisionist Company. **In these circumstances, the Board Resolution dated 18.05.2026 is taken on record.**

None has appeared on behalf of the Respondents despite service, thus, I proceed to decide the Revision Petition in the absence of the Respondents.

Arguments heard on the Revision Petition. File perused.

It is argued by Ld. Counsel for the Revisionist that the Revisionist has challenged the order dated 19.12.2023 by which the Complaint filed by the Revisionist under Section 138 N. I. Act was dismissed for non-prosecution and non-compliance. Ld. Counsel for the Revisionist submits that the previous counsel was negligent and he did not comply with the directions of the Court and, therefore, the Complainant should not suffer due to the negligence of the previous counsel.

I have heard the arguments and gone through Ld. Trial Court Record.

From the record of Ld. Trial Court, it is evident that the Revisionist / Complainant has filed the Complaint under Section 138 read with Section 142 of N. I. Act against the Respondent on the ground of dishonour of Cheque No. 000538 dated 02.04.2020 for Rs. 25,19,909/- drawn on HDFC Bank. The said complaint case was filed on 07.09.2022, but thereafter, from the order sheet dated 26.05.2023 it is evident that the summons sent to the Respondents / Accused No. 1 to 3 received back with the remarks "**Left**" and, therefore, the Complainant was directed to verify the address of the Respondents / Accused Persons and the said directions

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were again issued on 07.07.2023, 07.08.2023 and 25.09.2023. When nobody appeared, the Court imposed cost of Rs. 3,000/- upon the Complainant. On 19.12.2023 Ms. Arpana Kumari, Authorised Representative of the Complainant appeared and sought time to file an application for her substitution in place of previous Authorised Representative and thereafter the matter was passed over for 12.00 Noon. However at 12.17 pm again, Ms. Arpana Kumari sought adjournment on the ground that more time be granted for verifying the address of the accused persons, but Ld. Trial Court did not grant further time, considering the past conduct of the Complainant dismissed the Complaint for non-prosecution and non-compliance.

As far as, submissions of the Ld. Counsel for the Revisionist that the previous counsel was negligent or that he did not comply with the directions of the Court is concerned, same does not appear to be satisfactory as it is very easy to shift the blame on the previous counsel as he is not present to defend himself.

Considering the facts and circumstances, I do not find any error in the impugned order dated 19.12.2023 dismissing the Complaint for non-prosecution and non-compliance. **Hence, the present Revision Petition is dismissed.**

Trial Court Record be sent back alongwith a copy of this order.

After due compliance, file be consigned to Record Room.

(Sanjeev Kumar Aggarwal)
Principal Distt & Sessions Judge,
South District, Saket Courts,
New Delhi/ 04.08.2026