

CR No. 266/2026
HDFC BANK LTD. Vs. GUDIYA KUMARI
CNR No. DLSW01-005349-2026

20.07.2026

Present: Shri Parvesh Kumar and Shri Varun Sharma, Ld.
Counsels for the revisionist.

This is a revision petition filed by the Revisionist/Complainant, HDFC Bank Ltd. assailing the impugned order dated 17.01.2026 passed by the Ld. Judicial Magistrate First Class, Evening Court-09, Dwarka Courts, Delhi, whereby the complaint instituted under Section 25 of the Payments & Settlement Systems Act, 2007 came to be dismissed on the ground that the present case has been withdrawn and settled in Lok Adalat.

Ld. Counsel for the revisionist contends that no settlement has ever been arrived at in the present case and neither any statement was ever given by the Authorized Representative of the complainant/Revisionist Bank either in the Lok Adalat or before the Concerned Ld. Trial Court. Accordingly, it is contended that the order of the Ld. Trial Court disposing of the case as withdrawn in Lok Adalat is perverse. It is further prayed that the impugned order 17.01.2026 passed by the Ld. Trial Court be set aside and opportunity be granted to the Revisionist/ Complainant to proceed ahead with the matter before the Ld. Trial Court.

Heard. Record perused.

Before examining the merits, it is necessary to consider whether notice to the respondent is required in the present revision. The legal position in this regard stands clarified by the *Hon'ble Delhi High Court in Hindustan Domestic Oil & Gas Co. (Bombay) Ltd. v. State & Anr. (Crl. M.C. 1737/2011 decided on 03.08.2012)*, wherein it was held that although Section 401(2)

Cr.P.C. mandates that no order shall be made to the prejudice of the accused or other person without affording an opportunity of hearing, a distinction must be drawn between orders passed on merits and orders passed on purely procedural grounds.

Apparently, in the present case, the complaint of the complainant was dismissed by the Ld. Trial Court as settled in Lok Adalat whereas the record evidently reflects that neither any statement was ever given by the Authorized Representative of the complainant/Revisionist before the Ld. Trial Court nor before the Lok Adalat. Therefore, the dismissal of the complaint as withdrawn on account of alleged settlement which has never taken place is perverse and patently illegal.

Therefore, this Court holds that the impugned order dated 17.01.2026 dismissing the complaint being settled in Lok Adalat deserves to be set aside. Accordingly, the revision petition is allowed. The impugned order dated 17.01.2026 passed by the Ld. Judicial Magistrate First Class, Evening Court-09, Dwarka Courts, Delhi is hereby set aside and the complaint filed under Section 25 of the Payments & Settlement Systems Act, 2007 is restored to its original number and position.

Revisionist/Complainant should appear before the Ld. Trial Court on 12.08.2026 whereupon the Ld. Trial Court shall proceed further with the matter in accordance with law. *Copy of this order along with the Trial Court Record, (if recieved), be sent back forthwith.*

The revision file be consigned to the Record Room after due compliance.

(Ravinder Singh - II)
ASJ-05/South-West District,
Dwarka/ Delhi/20.07.2026