

IN THE COURT OF SH. SUSHIL ANUJ TYAGI
ADDITIONAL SESSIONS JUDGE (FTSC) (RC),
SOUTH WEST DISTRICT, DWARKA COURT, NEW DELHI.



CNR No. DLSW01-013984-2025

CR No. 33/2026

In the matter of:

HDFC Bank Limited

having branch office at

1st Floor, Tower A, Plot No.31 (Near Jaguar Land Rover and
BMW Showroom) Najafgarh Industrial Area,
Shivaji Marg, Moti Nagar,
New Delhi-110015.

..... Petitioner

Versus

Hari Shankar Mishra

S/o Sh. Ramcharitra Misra

Sadhu Forging Ltd

Plot No.64, Sector-25,

Faridabad, 121004 Haryana.

.....Respondent

Date of Institution of the revision : 19.01.2026

Date on which order reserved : 01.08.2026

Date on which order pronounced : 01.08.2026

ORDER

1. This is a revision petition under Section 438/440 BNSS (earlier 397/399 Cr.P.C) against the impugned order dated 08.12.2025 passed by the Ld. trial court vide which the complaint of the petitioner was dismissed for non prosecution.
2. Notice of this revision petition was served upon the respondent but despite service none has appeared on behalf of respondent and this is the third date of hearing. It is already 2:40 P.M.
3. Heard. Record perused.
4. The case of the petitioner is that he has filed one complaint u/s 25 of PASA 2007 against the respondent and during the trial, the petitioner filed an application seeking condonation of delay for which the Ld. trial court issued notice to the respondent on filing of PF. Despite several opportunities, the petitioner failed to file the PF and accordingly vide impugned order, the Ld trial court dismissed the complaint for non prosecution.
5. By way of present revision petition, the petitioner has submitted that non filing of PF was neither intentional nor deliberate. It is further submitted that if the opportunity be not granted to the petitioner then he shall suffer irreparable loss and injury. He further undertakes to file PF regularly in future. He further submits that he has no other efficacious remedy except the present petition.

6. Since the petition has not been challenged by the respondent and he has failed to appear before this court despite service of notice, this court is of the considered view that one more opportunity be extended to the petitioner to pursue his complaint case before the Ld. trial court.
7. The present revision petition is allowed subject to cost of Rs. 2,000/- to be deposited in DLSA. The impugned order passed by the Ld trial court is accordingly set aside with the directions to give one more opportunity to the petitioner to pursue his complaint case. The revision petition stands disposed of in above terms. TCR be sent back alongwith copy of this order.
8. Revision file be consigned to Record Room after necessary compliance.

**Announced in the open Court
as on this 1st day of August 2026**

**(SUSHIL ANUJ TYAGI)
Additional Sessions Judge (FTSC) (RC)
South West District, Dwarka Courts
New Delhi /01.08.2026**