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

+ **RFA(COMM) 305/2024**
STATE BANK OF INDIA

.....Appellant

Through: Mr Sanjeev Sagar, Standing Counsel for
SBI.
Ms Nazia Parveen, Advocate for MCD.

versus

MR. SANDEEP & ANR.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

02.08.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 44059/2024

1. Allowed, subject to the appellant filing legible copies of the annexures, at least three (03) days before the next date of hearing.

RFA(COMM) 305/2024 with CM APPL. 44058/2024 [Application filed on behalf of the appellant seeking interim relief] and CM APPL. 44060/2024 [Application filed on behalf of the appellant seeking condonation of delay of 27 days in filing the appeal]

2. This appeal is directed against the judgment and decree dated 04.05.2024, passed by the learned District Judge (Commercial)-02, South-East, Saket Courts, New Delhi, whereby the suit preferred by the appellant for recovery of Rs.9,29,501/- has been dismissed.

3. A perusal of impugned judgment shows that the trial court noticed that

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no material had been placed on record concerning the assets which formed part of the estate of one, Mr Subhash, who had been disbursed a personal loan amounting to Rs.7 lakhs by the appellant/plaintiff.

3.1 Since the respondents/ defendants had been arrayed as parties in their capacity as the legal heirs of Mr Subhash, the trial court, broadly, took the view that the appellant/ plaintiff had to advert to the assets which had been inherited by the respondents/ defendants from the deceased Mr Subhash.

4. Mr Sanjeev Sagar, learned counsel, who appears on behalf of the appellant/ plaintiff, concedes that no evidence was placed on record before the trial court concerning the assets of the deceased Mr Subhash.

4.1 The difficulty that was faced by the appellant/ plaintiff was that despite being served, the respondents/ defendants did not enter appearance before the trial court.

5. Since public money is involved, we are inclined to issue notice to the respondents/ defendants and examine the matter a little further.

6. Accordingly, issue notice to the respondents/ defendants *via* all permissible modes, including e-mail.

7. List the matter on 28.11.2024.

RAJIV SHAKDHER, J

AMIT BANSAL, J

AUGUST 2, 2024/PB

Click here to check corrigendum, if any

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