

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 9119/2024

State Bank Of India

-----Petitioner

Versus

Triton Hotels And Resorts Private Limited

-----Respondent

For Petitioner(s)	:	Ms. Sonal Singh, Adv. on behalf of Mr. Alok Garg, Adv.
For Respondent(s)	:	

HON'BLE MR. JUSTICE NARENDRA SINGH DHADDHA

Order

06/01/2025

1. Learned counsel for petitioner has specifically pointed out the provision of the Commercial Courts Act and submitted that certain provisions of CPC are not applicable in the matters filed before the Commercial Court but the Commercial Court has acted contrary to law while deciding the application. She also submitted that the dispute between the parties was closed after payment by respondent to the petitioner-bank, but raising unnecessary grievances the borrower has filed a grievance petition before the Banking Ombudsman and thereafter before the SCDRC, Rajasthan Jaipur but in both attempts he failed. She also submitted that now to pressurize the bank, the respondent has filed a case before the Commercial Court wherein the Commercial Court is insisting upon admission and denial of photocopies submitted by the respondent. She also submitted that it was duty of the Commercial Court to ensure that the original document is filed before the Commercial Court and then only insist upon admission and denial. She

specifically pointed out that the Commercial Court without following the process as laid down under the law is acting arbitrarily, therefore, the petitioner is constrained to file the instant petition.

2. Having considered the submissions of learned counsel for petitioner, issue notice to respondent no.1, returnable within two weeks.

3. Additional set be issued through registered speed post.

4. In the meanwhile, the further proceedings pending before the Commercial Court shall remain stayed.

5. List after three weeks.

(NARENDRA SINGH DHADDHA),J