2026:DHC:9196

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

Reserved on: 01.10.2026

Date of Decision: 15.10.2026

Date of Uploading: 15.10.2026

\# **CNR No. DLHC010773392025**

\+ CM(M) 1968/2025, CM APPL. 63547/2025, CM APPL. 63549/2025

QUATTRO WELL PVT. LTD. .....Petitioner

Through: Mr. Rishabh Kapur and Ms. Priyanshi Goel, Advs.

versus

PUNJAB NATIONAL BANK .....Respondent

Through: Mr. Mukesh Pushpam and Ms. Surbhi Kumari, Advs.

CORAM:
HON'BLE MR. JUSTICE AJAY DIGPAUL

J U D G M E N T

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1. Through the present petition, the petitioner/plaintiff impugns the order dated 26.09.2025 passed by the learned District Judge (Commercial Court -08), South East, Saket, New Delhi[1], in CS (COMM) 2836/24, titled *"Quattro Well Pvt. Ltd. v. Punjab National Bank"*[2], whereby the learned Trial Court allowed the respondent/defendant's application under Order XVI Rule 1 read with

[1] Hereinafter 'Trial Court'
[2] Hereinafter 'underlying suit'

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Section 151 of the Code of Civil Procedure, 1908[3].

2. The facts relevant for the disposal of the present petition are, in 2024 the petitioner instituted the underlying suit seeking to recover *inter alia* Rs. 89,32,221.10/- along with interest @12% *per annum*, primarily contending that the respondent arbitrarily charged a higher rate of interest than agreed upon.

3. Pursuant thereto, the respondent was served at its head office and branch office on 09.07.2024 and 11.07.2024, respectively.

4. The respondent filed the written statement on 05.11.2024, along with an application seeking condonation of delay under Order VIII Rule 1 of the CPC, statement of truth and an affidavit of admission/denial, which was allowed by the learned Trial Court *vide* order dated 25.11.2024 subject to cost of Rs. 5,000/-. Through the same order, the learned Trial Court allowed the respondent's application under Section 151 of the CPC seeking exemption from filing list of documents/annexures, while granting the respondent liberty to file any documents within 30 days from passing of the order.

5. Subsequently, issues were framed on 21.12.2024 and plaintiff's evidence got concluded on 13.05.2025.

6. On 19.09.2025, while the matter was at the stage of defendant's evidence, the respondent preferred an application under Order XVI Rule 1 read with Section 151 of the CPC.

7. Through the aforesaid application, the respondent sought to summon DW-2 i.e., Record Keeper/Authorized Representative, PNB, Mid Corporate Centre, 10, Rakesh Deep Building, Gulmohar Enclave with certain documents being, the card rate/master table pertaining to

[3] Hereinafter 'CPC'

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the rate of interest applicable on loan/advances from 2018-2021, details of credit ratings of the petitioner with the respondent from 2018-2021 and documents pertaining to details of deduction of Rs. 31 lakhs on 31.01.2020 on working capital limit in the petitioner's CC account.

8. Thereafter, the learned Trial Court *vide* the impugned order dated 26.09.2025 allowed the application of the respondent under Order XVI Rule 1 read with Section 151 of the CPC and listed the matter for remaining defendant's evidence.

9. Aggrieved by the impugned order, the petitioner preferred the present petition. Thereafter, this Court *vide* order dated 10.10.2025 stayed the operation of the impugned order. The interim protection granted hereinabove has since continued.

10. Mr. Rishabh Kapur, the learned counsel for the petitioner submits that the respondent filed the written statement without filing any list of documents and even after the learned Trial Court *vide* order dated 25.11.2024 allowed the respondent's application under Section 151 of the CPC and granted liberty of 30 days to file any documents, no documents were placed on record.

11. It is further submitted that the impugned order is unspeaking insofar as the learned Trial Court failed to address the objections raised by the petitioner, including its reliance on ***Kalva Komuraiah and Anr. v. Kalva Boddaiah***[4] whereby the Hon'ble Hyderabad High Court dismissed a revision petition wherein the petitioner sought to summon a witness for production of certain documents which were not mentioned in the pleadings.

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[4] **2018 SCC OnLine Hyd 206**





12. *Per Contra*, Mr. Mukesh Pushpam, the learned counsel for the respondent submits that the documents in question are relevant and material for a just and fair adjudication of the underlying dispute, and go to the very core of the matter.

13. It is also the respondent's case that the subject application was preferred as the documents in question were not within the power, possession, control or custody of the respondent at its Nehru Place branch office, as the loan was sanctioned to the petitioner from its Central Loan Processing Centre situated at Green Park, Delhi.

14. Heard. Perused the record.

15. The narrow question which falls for consideration before this Court is whether the learned Trial Court was justified in allowing the application of the respondent under Order XVI Rule 1 read with Section 151 of the CPC.

16. Evidently, the petitioner instituted the underlying suit alleging that the respondent charged a higher rate of interest than agreed upon during 2018-2021. In response, the respondent through the written statement, categorically denied the averments of the petitioner by contending *inter alia* that the Interest Rate Risk (IRR) of the petitioner was accurate as per bank norms, change in the interest rate was a result of change in credit ratings of the petitioner and that a detailed chart addressing the petitioner's query had already been provided to it.

17. In view thereof, it cannot be gainsaid that the documents in question i.e., the card rate/master table pertaining to the rate of interest from 2018-2021, details of credit ratings of the petitioner with the respondent from 2018-2021 and documents pertaining to the details of deduction of Rs. 31 lakhs on 31.01.2020 on working capital limit in the petitioner's CC account, are relevant and material for the effective

adjudication of the underlying dispute.

18. It is apposite to mention that the learned Trial Court *vide* the impugned order also considered the significance of the documents in question. The observations of the learned Trial Court are extracted hereinbelow:

> "11. Be that as it may, the documents sought to be produced from the witness were not in power, possession, control or custody in defendant's branch at Nehru Place, New Delhi in respect of the loan sanctioned to plaintiff. The loan to plaintiff is reported to have been sanctioned from Central Loan Processing Centre (CLPC), Green Park, New Delhi. **The documents which are sought to be produced are reported to be relevant and material to adjudicate upon the real controversy in dispute between the parties.** If the application of defendant is allowed, no prejudice would be caused to the rights of plaintiff as the matter is still at the stage of defendant's evidence and plaintiff will have full and effective opportunity to test the veracity and authenticity of the documents to be produced by the witness."

19. A perusal of the record indicates that the witness sought to be summoned through the subject application i.e., Record Keeper/Authorized Representative, PNB, Mid Corporate Centre, 10, Deep Building, Gulmohar Enclave, Delhi, had already been cited by the respondent in its list of witnesses filed before the learned Trial Court on 24.07.2025, and was not introduced at the eleventh hour to the surprise of the petitioner.

20. The grievance of the petitioner that Order XVI Rule 1 of the CPC cannot be invoked to summon a witness to produce documents unless copies thereof are placed on record along with the written statement, stands answered in ***Ashok Sharma v. Ram Adhar Sharma***[5], whereby the Hon'ble Supreme Court held that where a witness is summoned to produce documents, the documents can be

[5] **(2009) 11 SCC 47**





taken on record even if the party calling such witness has not placed the documents on record earlier. The following extract from the aforesaid decision seems apt:

> **"15.** As noted hereinearlier, Order 16 Rules 1 and 1-A of the Code, if read together, would clearly indicate that it is open to a party to summon a witness to the court or even may, without applying for summons, bring a witness to give evidence or to produce documents. Since Rule 1-A is subject to the provisions of sub-rule (3) of Rule 1, all that can be contended is that before proceeding to examine any witness, who might have been brought by a party for the purpose, the leave of the court may be necessary. This by itself would not mean that Rule 1-A was in derogation to sub-rule (3) of Rule 1. Such document brought by the said witness can be taken on record and it is not necessary that the plaintiff must have filed on record the copies of the said document earlier."

21. During the course of the arguments, the learned counsel for the petitioner relied on ***Sudhir Kumar v. Vinay Kumar G.B.***[6] to contend that as per Order XI of the CPC, as amended by the Commercial Courts Act, 2015, the documents in question should not have been taken on record because the respondent failed to ascribe a "reasonable cause" for the initial non-disclosure of these documents. However, in *Sudhir Kumar (supra)*, the situation was different, as there the plaintiff had filed two suits and by the time the second suit was filed, the plaintiff had sufficient opportunity to file its documents with the plaint itself. Contrarily, the subject application of the respondent herein, to summon the documents in question, was moved by it within merely two months after filing the list of witnesses and four days after the discharge of DW-1.

22. Moreover, in public sector banks, requisitioning of files inevitably consumes time and thus a procedural delay of this nature,

[6] **(2021) 13 SCC 71**

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considering the facts and circumstances of this case, cannot by itself be classified as dilatory conduct so as to shut out material documentary evidence essential for the just and fair adjudication of the underlying dispute. It is essential to refer to the decision of this Court in ***Darrameks Hotels & Developers (P) Ltd. v. Brilltech Engineers (P) Ltd***.[7], to emphasize that the test of "reasonable cause" for non-disclosure of documents, under Order XI of the CPC, as amended by the Commercial Courts Act, 2015, is less rigorous than that of "sufficient cause". The relevant portion of aforesaid decision reads thus:

> "**19.** The aforesaid provision of Order XI Rule 1 (5) CPC comes into play when plaintiff, despite having power, possession, control and custody of any document, fails to place the same on record, alongwith suit or within the extended period. In case of belated filing, these documents can be permitted to be placed on record by Court if plaintiff establishes *reasonable cause* for non-disclosure.
> **20.** It is important to mention here that cause, which is to be shown by the plaintiff, is "reasonable" and not "sufficient or good" and use of word "reasonable" makes the provision little less rigorous. Of course, the plaintiff should have been careful and should have placed on record these e-mails along with his plaint. Merely because, there was voluminous exchange of e-mails between the parties would not, generally speaking, absolve any such party.
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> XXXXX
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> **25.** *Reasonable cause* is an elastic term and it cannot be put into any air-tight compartment.
> **26.** In *Khurmi Associates (P) Ltd.* (supra), this Court, observing that issues were yet to be framed and the documents being sought to be placed on record were in support of the pleadings only, allowed such application. Reliance was placed upon *Hassad Food Company Q.S.C.* v. *Bank of India*, 2019 SCC OnLine Del 10647, in which it was observed that phrase *reasonable cause* would require even a lower degree of proof as compared to good cause."

23. Also, the underlying suit is at the stage of defendant's evidence

[7] **2025 SCC OnLine Del 4024**

and the petitioner still retains the right to test the veracity and authenticity of the documents in question. In light of the same, this Court does not believe that any grave prejudice was caused to the petitioner due to the allowance of the respondent's subject application.

24. Undoubtedly, procedural timelines under the Commercial Courts Act, 2015 are intended to ensure speedy disposal, however procedural rules are the handmaid of justice. Order XI of the CPC, as amended by the Commercial Courts Act, 2015, does not impose an embargo that strips the Court of its discretion to take material documents on record, when the Court has itself weighed in the significance of the documents to adjudicate the underlying dispute. The aforesaid discussion draws strength from ***Sugandhi v. P. Rajkumar***[8], whereby the Hon'ble Supreme Court held,

> "9. It is often said that procedure is the handmaid of justice. Procedural and technical hurdles shall not be allowed to come in the way of the court while doing substantial justice. **If the procedural violation does not seriously cause prejudice to the adversary party**, **courts must lean towards doing substantial justice rather than relying upon procedural and technical violation**. We should not forget the fact that litigation is nothing but a journey towards truth which is the foundation of justice and the court is required to take appropriate steps to thrash out the underlying truth in every dispute. Therefore, the court should take a lenient view when an application is made for production of the documents under sub-rule (3)."

25. Insofar as the reliance of the petitioner on *Kalva Komuraiah (supra)* is concerned, it is imperative to mention that while the decisions of coordinate High Courts command weight and respect, such decisions do not lay down binding law for this Court. Therefore, while this Court has examined the aforesaid case, the principles

[8] **(2020) 10 SCC 706**





enunciated therein remain purely persuasive. This view finds strength from ***Valliamma Champaka Pillai v. Sivathanu Pilla and Ors.***[9] whereby the Hon'ble Supreme Court reaffirmed that decisions rendered by one High Court do not constitute a binding precedent for another High Court.

26. It is no longer *res integra* that this Court while exercising its jurisdiction under Article 227 of the Constitution can neither sit in appeal over the findings of the learned Trial Court, nor interdict those findings without any perversity or patent illegality. Thus, keeping in mind the facts and circumstances of the case, this Court does not find it appropriate to interfere with the impugned order herein.

27. Therefore, it is clear that the allowance of the respondent's application under Order XVI Rule 1 read with Section 151 of the CPC has not caused any prejudice to the petitioner as the suit is still at the stage of defendant's evidence and the right to test the veracity and authenticity of the documents in question remains with the petitioner. Moreover, considering that the documents in question are essential to determine the underlying controversy between the parties and that the respondent being a public sector bank only caused a short procedural delay in bringing forth these documents, this Court is of view that the impugned order does not warrant the interference of this Court.

28. Needless to state, the stay granted *vide* order dated 10.10.2025 stands vacated. It is clarified that this Court has not appreciated the merits of the underlying dispute.

29. Accordingly, the present petition and all pending applications (if any), stand dismissed.

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[9] **(1979) 4 SCC 429**

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30. The judgment be uploaded on the website forthwith.

AJAY DIGPAUL, J.

OCTOBER 15, 2026/ar/as