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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 25th, August, 2025*

+ CM(M) 1612/2025 & CM APPL. 52826-52827/2025

CENTRAL BANK OF INDIA

.....Petitioner

Through: Mr. Anuj Jain, Advocate.

versus

M/S. VARDHMAN FOODS & ANR.

.....Respondent

Through: None.

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****JUDGMENT (oral)**

1. Petitioner-Bank has filed a recovery suit which is commercial in nature.
2. When the abovesaid suit was taken up by the learned Trial Court on 06.08.2025, counsel for the plaintiff informed that the Bank was not having any other alternate address of the defendant.
3. Learned Trial Court, after perusing various previous orders, expressed its resentment as to why the Bank had no mechanism to find out the address of any such debtor, who had been provided with a *cash-credit facility*.
4. Learned Trial Court noted that, invariably, in such type of matters, the concerned plaintiff prays for service through substituted mode and the matters are, then, proceeded against *ex-parte* and, even after *ex-parte* decree, no execution petition is, generally, filed.
5. While noting the above, the learned Trial Court went on to pass various directions to the General Manager of the plaintiff-Bank to furnish certain



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information and also to appear in-person.

6. The observations in this regard are found recorded in para 7 of the order, which read as under:-

“(7) The concerned General Manager will furnish the following information under his signatures on affidavit:-

1. In how many cases, plaintiff bank has advanced loan (vehicle loans, property loans, personal loans and other loans) ranging from Rs. 3 lacs to Rs. 2 crores since 01.01.2022 till date within South Zone, Delhi.

2. Which documents of debtor/loanee were checked and verified by bank at the time of disbursement of loan and what due diligence was taken by the bank to ensure repayment of loan during the period from 01 .01.2022 till date.

3. In how many cases debtor/loanee defaulted in repayment of loan since 01 .01 .2022 till date in South Zone, Delhi.

4. What mechanism plaintiff bank has adopted to ensure that a person who has taken loan from plaintiff bank and has defaulted in repayment of loan does not escape the law by changing his/her residential address, mobile number, E-mail ID and other details, after obtaining the loan.

5. In how many cases plaintiff bank filed Court cases for recovery of loan amount from 01 .01 .2022 till date in South Zone, Delhi.

6. In how many recovery cases filed by bank in South Zone, Delhi, summons could not be served on defendant due to incomplete address, incorrect e-mail ID/non availability of e-mail ID and non-functional whatsapp number of debtor/loanee from 01 .01 .2022 till date.

7. In how many cases plaintiff bank filed an application under Order 5 rule 20 CPC for substituted service of defendant on account of non availability of complete address, e-mail ID or whatsapp number from 01 .01 .2022 till date.

8. In how many cases plaintiff bank managed to get summons published in newspaper by resorting to Order 5 rule 20 CPC and get the defendant declared as ex-parte from 01 .01.2022 till date.

9. In how many cases plaintiff bank succeeded in obtaining ex-parte



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decree from 01 .01 .2022 till date.

10. In how many cases execution petition was filed by bank for execution of ex-parte decree since 01 .01.2022 till date.

11. What was the total amount disbursed by plaintiff bank by way of different loans from 01.01.2022 to 31.03.2025 and total amount recovered from 01 .01.2022 till to 31 .03.2025.

12. In how many cases plaintiff bank lodged FIR against the defaulter/debtor who defaulted in repayment of loans to the tune of 3 lacs to 3 crores from 01.01.2022 till date.

13. In how many cases pertaining to South Zone, defaulters after availing loans have fled India from September 2022 till date.

14. In how many cases appropriate steps under the law has been taken to prevent the defaulters from fleeing India after committing default in repayment of loan amount.

7. During course of the arguments, learned counsel for petitioner/plaintiff informed that the plaintiff-Bank has now been able to lay its hands over one alternate address and alternate email ID of the plaintiff and submits that appropriate application would be moved before the learned Trial Court with request to issue summons at such alternate address and e-mail ID.

8. Though the concern and grievance expressed by the learned Trial Court might be a justified one, but, apparently, the learned Trial Court has gone beyond the realm and scope of the suit in question. The abovesaid sweeping directions, when the case was at initial stage of the case, were not warranted. It has unnecessarily expanded the scope of the suit and has no direct connection with the issues raised thereunder.

9. In view of the above, while setting aside the abovesaid observations appearing in para 7 of the order dated 06.08.2025, the present petition is disposed of with direction to petitioner/plaintiff to submit appropriate



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application before the learned Trial Court apprising about the alternate address on which the defendant can be served.

10. However, the General Manager of the plaintiff-Bank would appear before the learned Trial Court on the date fixed to provide satisfactory response about the available addresses of the defendant.

11. The present petition is disposed of in aforesaid terms.

12. Pending applications also stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

AUGUST 25, 2025/ss/pb