

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**  
**R/SPECIAL CIVIL APPLICATION NO. 15335 of 2025**

**FOR APPROVAL AND SIGNATURE:**

**HONOURABLE MR. JUSTICE DEVAN M. DESAI**

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| Approved for Reporting | Yes | No |
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PATEL INN AND TRAVELS PRIVATE LIMITED  
Versus  
BANK OF INDIA

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Appearance:  
MR MANISH J PATEL(2131) for the Petitioner(s) No. 1  
MR AS PANESAR(5390) for the Respondent(s) No. 1

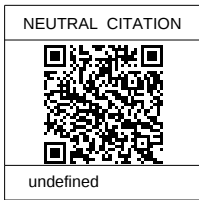
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**CORAM: HONOURABLE MR. JUSTICE DEVAN M. DESAI**

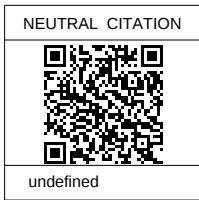
**Date : 10/03/2026**

**JUDGMENT**

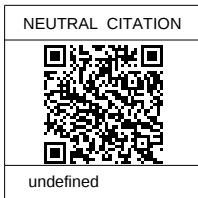
1. *Rule* returnable *forthwith*. Learned advocate Mr. A. S. Panesar waives service of notice of Rule for the respondent.
2. With the consent of the learned advocates for the respective parties, the petition is taken up for final hearing today.



3. Heard learned advocate Mr. Manish J. Patel for the petitioner and learned advocate Mr. A. S. Panesar for the respondent. Perused the record.
4. By way of this petition, under Articles 226 and 227 of the Constitution of India, 1950, the petitioner has prayed to quash and set aside the order dated 17.6.2025 passed by the learned Small Cause Judge, Court No.2, Ahmedabad in Summary Civil Suit No.392 of 2021 (Original Civil Suit No.2506 of 2010) below Exh.74.
5. Learned advocate for the petitioner has contended that the petitioner has filed a suit against respondent for a recovery of Rs.3,99,736/- with interest @ 18%. The petitioner is a Private Limited Company registered

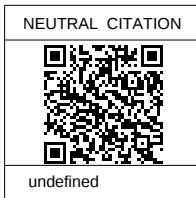


under the provisions of Indian Companies Act. Mr. Meghajibhai Kunvarjeebhai Khetani is the Director of the petitioner - company, who has signed and verified the plaint. The said Director has also deposed below Exhibit 30. The proceedings of the suit is posted for the pronouncement of the judgment. As it was noticed by the petitioner that due to oversight, the Board Resolution for the institution of the suit as well as giving authority to the Director to initiate legal proceedings could not be passed at the time of the institution of the suit, a Resolution dated 31<sup>st</sup> March, 2025 came to be prepared and produced before the Court below. It was further made a request below Exhibit 74 that the stage to lead evidence of plaintiff be reopened for the purpose of production and giving exhibit to the said resolution. The learned Court below took a hyper-technical view and rejected the application. It is submitted that the Board Resolution is a vital piece of evidence, if not permitted to be



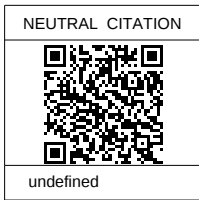
produced, would create great injustice to the plaintiff and the plaintiff would be deprived of its legitimate right to recover the amount claimed in the plaint. Therefore, in the interest of justice, the order impugned be quashed and set aside. No other submissions are made except the above.

6. Per contra, learned advocate for the respondent has supported the order and has placed reliance upon the affidavit in reply. It is contended by learned advocate for the respondent that the petitioner cannot be permitted to fill up lacuna by permitting the petitioner to lead evidence. It is submitted that cross-examination of plaintiff - Director was concluded on 3<sup>rd</sup> November, 2023 and a specific question was put to the said witness with regard to the Resolution, if any, passed in favour of the Director before the institution of the suit. The witness has, in clear terms, admitted that no



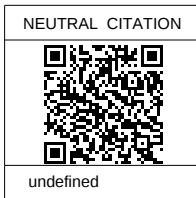
resolution is passed authorizing the witness to lead evidence. Thereafter, the plaintiff closed his evidence (Exhibit 59) on 5<sup>th</sup> March, 2024. The evidence of defendant was concluded on 17- 8-2024. The written submissions of plaintiff came to be filed on 27.2.2025 and, thereafter, the defendant also concluded the final submissions. The suit was kept for pronouncement of judgment on 5<sup>th</sup> April, 2025 and, thereafter, the application Exhibit 74 came to be filed with an intention to fill up the lacuna. The defendant, has disclosed his defense with regard to lack of authority to institute the suit. If at the stage of pronouncement of the judgment, the application is allowed, it would create great injustice and the important right of defense would be lost. No other submissions are made except the above.

7. I have considered the submissions of learned

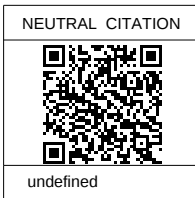


advocates for the respective parties and perused the papers available on record.

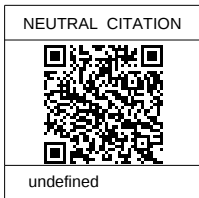
8. It appears that there is no dispute on the fact that when the plaintiff instituted the suit in the year 2010, no Board Resolution authorizing the Director of the plaintiff's Company to file, sign and verify the plaint was passed. It is also an undisputed fact that in the suit, the Director Mr. Meghajibhai Kunvarjeebhai Khetani has deposed at Exhibit 30 and his cross examination was concluded on 3-11-2023. In the cross-examination, the witness has admitted that the plaintiff - Company is a registered company and has also admitted that the plaintiff - company has not given any authority to institute the suit. The fact that there is no resolution authorizing the witness to institute the suit and to pursue the suit was within the knowledge of the witness who is claiming to be the Director of the



plaintiff - company. The evidence of plaintiff was concluded on 5-3-2024 and, thereafter, the evidence of defendant was also concluded on 17-8-2024. It also appears from the Rojkam that the final submission of both the learned advocates of the parties were concluded on 5.4.2025. The conduct of the plaintiff - company and its Director speaks volume. Since 3-11-2023, plaintiff was well within the knowledge that the suit is instituted without any resolution being passed by the Board of Directors. The plaintiff allowed the proceedings to proceed further and when the proceedings reached at the stage of pronouncement of the judgment, the plaintiff passed a resolution dated 31-03-2025 authorizing Managing Director, Mr. Meghajibhai Kunvarjeebhai Khetani to pursue Summary Civil Suit No.392 of 2021. The provisions of law expects a resolution to be passed before the institution of the suit and not during the pendency of the suit authorizing the Director to pursue the suit proceedings.

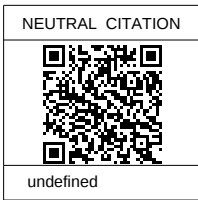


9. Any post-suit resolution authorizing a Director / Managing Director of the Company to pursue suit proceedings is of no importance. Even if the resolution dated 31-03-2025 is permitted to be produced on record, the inherent lacuna in the suit would not be cured since the resolution is passed pending the suit. Therefore, no fruitful purpose would be served if the plaintiff is permitted to produce the said resolution. As no perversity or illegality is found in the order impugned, the petition deserves to be dismissed and the same is dismissed.
10. At this stage, I am compelled to make a note that the learned Court below since 5.4.2025 has not pronounced the judgment in Summary Civil Suit No. 392 of 2021. The Rojkam produced on record indicates that except granting adjournments, the proceedings



have not been put to an end. Learned advocate for the respondent has also submitted that the final submission has already been concluded on 5.4.2025 and no further submissions were sought to be canvassed on behalf of the defendant. However, Rojkam indicates "further argument." When both the parties have concluded their final submission, there is no reason for the Court below to post the proceedings for further arguments. This is judicial dishonesty on the part of learned Court below in not pronouncing judgment till today.

11. Keeping in view the aforesaid sorry state of affairs, the learned trial Court is hereby directed to pronounce the judgment within a period of 3 days from the date of receipt of copy this order. The concerned learned Judicial Officer is warned not to keep matters pending for pronouncement of judgment beyond reasonable



period of time after conclusion of final submission of parties.

12. In view of above, the petition lacks merit and deserves to be dismissed and accordingly, it is dismissed. Interim Relief, if any, stands vacated forthwith. No order as to costs. Rule is discharged. It is made clear that the learned Court below shall not be influenced by any observations made hereinabove.

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**(D. M. DESAI,J)**