

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

WP(C).No. 14040 of 2015 (D)

PETITIONER(S):

**HARIDAS P.K.,
38, PARVATI SADAN, UDAYAMPEROOR,
COCHIN-628 307.**

**BY ADVS.SRI.MATHEWS K.UTHUPPACHAN
SRI.TERRY V.JAMES**

RESPONDENT(S):

- 1. THE ICICI BANK LTD., ERNAKULAM,
REPRESENTED BY ITS MANAGER AND PRINCIPAL OFFICER,
LOAN AGAINST SHARES AND SECURITIES DEPARTMENT,
PADMA JUNCTION, ERNAKULAM-682 016.**
- 2. THE ICICI BANK LTD,
LOAN AGAINST SHARES DIVISION,
2ND FLOOR EMPIRE COMPLEX, 414, SENAPATHI BAPAT MARG,
LOWER PAREL, WEST MUMBAI-400013.**
- 3. THE RESERVE BANK OF INDIA,
BAKERY JUNCTION, P.B.NO.6507,
THIRUVANANTHAPURAM-695 033,
REPRESENTED BY ITS REGIONAL DIRECTOR,**
- 4. THE BANKING OMBUDSMAN, OFFICE OF THE BANKING OMBUDSMAN
(KERALA, UNION TERRITORY OF LAKSHADWEEP AND MAHE),
RESERVE BANK OF INDIA, THIRUVANANTHAPURAM-695 033.**

**R1-R2 BY ADVS. SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SRI.V.S.SHIRAZ BAVA
SRI.JOSEPH KURIAN VALLAMATTAM**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1. TRUE COPY OF THE JUDGMENT DATED 1/8/2012 IN WP NO.11299/2012.**
- EXT.P2. TRUE COPY OF THE JUDGMENT DATED 20/12/2014 IN WPC NO.24921/2014.**
- EXT.P3. TRUE COPY OF THE COMPLAINT DATED 14/1/2015 BEFORE THE BANKING OMBUDSMAN BY THE PETITIONER**
- EXT.P4. TRUE COPY OF THE COMMUNICATION DATED 23/2/2014 ISSUED BY THE 4TH RESPONDENT BANKING OMBUDSMAN**
- EXT.P5. TRUE COPY OF LETTER DATED 11/4/2015 ISSUED BY THE RESPONDENT BANK**
- EXT.P6. TRUE COPY OF THE LETTER SENT BY THE PETITIONER ON 17/4/2015 TO THE RESPONDENT BANK**
- EXT.P7. TRUE COPY OF LETTER DATED 23/4/2014 OF THE RESPONDENT BANK TO THE PETITIONER WITH ANNEXURES.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

~~~~~  
**W.P.(C).No.14040/2015**  
~~~~~

Dated this the 29th Day of October, 2015

J U D G M E N T

The petitioner approached the learned Ombudsman raising a complaint against respondent 1 and 2. That was not considered stating the following reasons:

“Please refer to your above complaint. As Court intervention is there, we regret our inability to intervene further in the matter and the complaint is treated as closed under Clause 9(3)(d) of the Banking Ombudsman Scheme 2006.

2. This is issued as per the orders of the Banking Ombudsman.”

2. In fact what is referred in Exhibit P4 communication of the learned Ombudsman is about Ext.P2 judgment in W.P.(C).No.24921/2014. This Court did not, in fact, adjudicate any issue between the petitioner and the respondent-Bank. This Court only directed the petitioner to work out his grievances in appropriate forum. The petitioner was directed to remit certain amount only to defer coercive steps against him. This Court is of the view that Exhibit P4 is unsustainable as there was no intervention of

W.P.(C).No.14040/2015

-:2:-

this Court in the matter. Therefore, Exhibit P4 is set aside. The learned Ombudsman is directed to take a decision within a period of three months after hearing the petitioner and the Bank.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

ms