IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 16855 of 2014 (F)

PETITIONER :

P.K.PUSHKARAKUMAR
S/O. KRISHNAN, RESIDING AT JANAKI KRISHNA
KARIYAVATTOM P.O., THIRUVANANTHAPURAM-695581.

BY ADVS.SRI.MANUEL KACHIRAMATTAM
SMT.MERRY GEORGE
SRI.MATHEW JOHN
SRI.VINU SASIDHARAN

RESPONDENT(S) :

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1. BANKING OMBUDSMAN
REPRESENTED BY ITS SECRETARY
OFFICE OF THE BANKING OMBUDSMAN,
(KERALA, UNION TERRITORY OF LAKSHADEEP & MAHE)
RESERVE BANK OF INDIA, THIRUVANANTHAPURAM-695033.

2. BANK OF INDIA,
REPRESENTED BY ITS AUTHORIZED OFFICER & CHIEF MANAGER
ZONAL OFFICE, KERALA ZONE, KALOOR TOWERS
KALOOR-KADAVANTHARA ROAD, COCHIN-682017.

3. MANAGER,
BANK OF INDIA, TECHNO PARK BRANCH, KAZHAKUTTOM P.O.,
THIRUVANANTHAPURAM-695582.

R2 & R3 BY SRI.C.A.JOY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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WP(C).No. 16855 of 2014 (F)

APPENDIX

PETITIONERS' EXHIBITS :

EXT. P1. **THE TRUE PHOTOCOPY OF THE JUDGMENT DATED 10-4-2013 IN WPC NO. 10148/2013 OF THIS HON'BLE COURT.**

EXT. P2. **THE TRUE PHOTOCOPY OF THE COMPLAINT DATED 19-2-2014 FILED BEFORE THE 1ST RESPONDENT.**

EXT. P3. **THE TRUE PHOTOCOPY OF THE ORDER DATED 28-2-2014 OF THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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W.P.(C) No.16855 of 2014

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Dated this the 8th day of September, 2015

JUDGMENT

The petitioner, impugning an order passed by the Banking Ombudsman, has approached this Court. His complaint has been rejected as not maintainable for the reason that the complaint has espoused the grievances relating to the recovery measures initiated by the Bank.

2. The petitioner has a grievance against deduction of certain amount. The petitioner has also complained about levy of interest.

3. No doubt, the Banking Ombudsman cannot deal with an issue pertaining to the recovery, which is the subject matter of the proceedings before the Court, Tribunal, Arbitration or any other forum. However, certainly, the Ombudsman has power to redress other grievances in respect of which complaint has been raised by the petitioner in relation to illegal adjustment and rate of interest etc.

Therefore, this Court is of the view that the matter requires reconsideration to the limited extent of consideration of the complaint other than one prohibited under the Banking Ombudsman Scheme. The complaint shall be reconsidered after issuing notice to all persons including petitioner. The petitioner shall produce a copy of this judgment before the Banking Ombudsman for compliance.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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