

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).No. 21711 of 2015 (L)

PETITIONER:

**THE MANALUR SERVICE CO-OPERATIVE
BANK LTD.NO.31, P.O.MANALUR,
REPRESENTED BY ITS SECRETARY.**

**BY ADVS.SRI.C.A.ANOOP
SMT.C.K.REMANY**

RESPONDENT(S):

- 1. CONSUMER DISPUTES REDRESSAL FORUM,
THRISSUR - 680 001.**
- 2. NATIONAL INSURANCE CO.LTD.,
MALIEKKAL BUILDING, IRINJALAKUDA BRANCH,
P.O.IRINJALAKUDA, THRISSUR DISTRICT - 680 121.**
- 3. SRI.BABU, S/O.MADHAVAN, PARATHATTIL HOUSE,
MANALUR VILLAGE, MANALUR DESOM - 680 617.**

**R1 BY SENIOR GOVT. PLEADER SRI.BIJU MEENATTOOR
R2 BY SRI.M.A.GEORGE, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 21711 of 2015 (L)

APPENDIX

PETITIONERS' EXHIBITS:

EXT. P1 : TRUE COPY OF THE NOTICE ISSUED BY THE HON'BLE NCDDRC TO
2ND RESPONDENT HEREIN, THE NATIONAL INSURANCE CO.

EXT. P2 : TRUE COPY OF THE PETITION IN C.C.NO.755/07, CLAIM PETITION
FILED BY 3RD RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

K. VINOD CHANDRAN, J.

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W.P.(C) No.21711 of 2015 - L

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Dated this the 20th day of July, 2015

J U D G M E N T

Despite the matter being passed over and taken up twice, none appears for the petitioner. The prayer in the writ petition is to direct the Consumer Disputes Redressal Forum (CDRF), Thrissur, the 1st respondent herein to dispose of Ext.P2 application. The petitioner also seeks for stay of the proceedings in C.C. No.755 of 2007 said to be pending before the CDRF, Thrissur. Even the complaint in the said case is not produced herein to understand whether there is any identity of cause of action that pending before the National Consumer Disputes Redressal Commission (NCDRC) New Delhi.

2. The petitioner's case in the writ petition is that, there was a burglary in the Bank on 28.05.2006 and an amount of Rs.6,36,525/- as also gold weighing 16,906 gms. and 53 ml. was

stolen. A crime is said to have been registered in the Anthikad Police Station. The stolen properties are insured with the 2nd respondent and the claim of the petitioner has been rejected by the insurer. The rejection is said to be pending before the NCDRC. The 3rd respondent is said to have submitted a claim since he is one of the customers of the Bank whose properties were lost in the burglary. The question of the indemnification of the Bank and the damage caused to the customers stand on a different footing. Further the Bank carrying on commercial transaction, whether falls under the definition of consumer too, is a moot question.

The writ petition hence would stand dismissed.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

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// true copy //

P.A to Judge.