

3. Heard the learned Counsel for the parties. Perused the impugned order. The only contention raised on behalf of the respondent is that under the core banking system all accounts of all branches are maintained at the head office and therefore it is contention of the respondent bank that the appropriate jurisdiction within which the complaint could be filed would be jurisdiction within the Head Office of the respondent is situated, which is Metropolitan Magistrate's Court, Mazgaon.

4. Having considered this submission and having perused the provisions of the Ordinance it is not possible to accept the contention of the respondent that the branch at Ratnagiri will not have jurisdiction to entertain and try the complaint. Admittedly, the loan account is maintained with the Ratnagiri branch. All disbursements have occasioned from Ratnagiri Branch. Part payments have also been made at Ratnagiri branch. Maintaining of the core banking records at the head office will not oust the jurisdiction of the local Court of Ratnagiri. I find no substance in the contention of the respondent-bank. In the circumstances the application for transfer ought to have been allowed.

5. Accordingly, I pass the following order :

- (i) The impugned order dated 28th September, 2015 is set aside.
- (ii) Exhibit-111 on the file of the lower Court in C.C.No.1026/SS of 2013 is allowed.
- (iii) No order as to costs.

(A. K. MENON, J.)