

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 285 OF 2018

Rupesh Mandrekar. Petitioner.

Versus

Union of India and others. Respondents.

Mr. Ganesh R. Naik, Advocate for the Petitioner.

Mr. Amay Kakodkar, Advocate for Respondent No.5.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.***

Date : 10 April 2018.

P.C.:

Heard the learned Counsel for the Petitioner and the learned Counsel for the Respondent- Bank.

2. By this Petition, the Petitioner has sought damages of Rupees Twenty Lacs, with interest at the rate of 20% per annum. It is the case of the Petitioner that whenever the Customers of the Petitioner used credit card, there used to be erroneous transactions recorded by the Respondent-Bank. It is the contention of the Petitioner that inspite of making various representations, the Respondent-Bank did not reply and because of the acts of the

Respondent-Bank, the Petitioner has suffered a loss.

3. The learned Counsel for the Respondent-Bank disputes the contention and states that the action taken by the Respondent-Bank is correct and there have been errors on the part of the Petitioner himself.

4. We have considered the rival contentions and the pleadings. The Petitioner seeks damages on the basis of facts which are seriously disputed. It is not possible for us to decide such disputed questions in the writ jurisdiction and to grant the compensation as prayed for by the Petitioner. According to us, the matter is in realm of Contract. It is open to the Petitioner to file a Civil Suit, if it is permissible in law. Keeping all contentions open, if the Petitioner adopts such a remedy, the Writ Petition is rejected.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.