

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No. 20172 of 2019

Murugan

... Petitioner

Vs.

1. The Bank of Baroda
Rep. by its Chief Manager,
Namakkal Branch,
Paramathi Road,
Namakkal Town,
Namakkal.

2. The Banking Ombudsman,
Reserve Bank of India,
Fort Glacis, Rajaji Salai,
Chennai - 600 001.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for impugned order passed by the Second Respondent on 27.02.2019 in BO(Che)/6019/C-6114/2018-19 and quash the same as illegal, violation of natural justice and consequently direct the Second Respondent to enquire the Petitioner's complaint dated 27.02.2019 with giving opportunity to him.

For Petitioner : Mr. M. Sridhar

O R D E R

The Writ Petition has been filed challenging the order No. BO(Che)/ 6019/C-6114/2018-19 dated 27.02.2019 passed by the Second Respondent, viz., Banking Ombudsman, closing the complaint of the Petitioner as not maintainable by clause 9(3) (d) of the Banking Ombudsman Scheme, 2006, which states as follows:-

"No complaint to the Banking Ombudsman shall lie unless the complaint does not pertain to the same cause of action, for which any proceedings before any Court, Tribunal or Arbitrator or any other forum is

pending or a decree or Award or order has been passed by any such Court, Tribunal, Arbitrator or forum."

2. When it was pointed out that the refusal of the Second Respondent to entertain the complaint of the Petitioner could not be faulted in view of the earlier legal proceedings in W.P. Nos. 17197 and 19302 of 2018 before this Court, in which the Petitioner is a party and that the dispute sought to be redressed by the Petitioner requires to be decided after recording evidence of parties on their rival contentions, Learned Counsel for the Petitioner sought permission of this Court to withdraw the Writ Petition with liberty to institute suit before the jurisdictional Civil Court for the said purpose and has made an endorsement to that effect, which is recorded.

3. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Chief Manager,
Bank of Baroda
Namakkal Branch, Paramathi Road,
Namakkal Town, Namakkal.
2. The Banking Ombudsman,
Reserve Bank of India,
Fort Glacis, Rajaji Salai,
Chennai - 600 001.

W.P.No.20172 of 2019

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srg 26/07/2019

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