

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

Cont P.No.418 of 2020

J.Malarkodi
W/o.A.Jayaraj

... Petitioner

.Vs.

1. Jisha Narayanan
The Assistant General Manager
Office of the Non-Banking Financial Companies
Ombudsman, Reserve Bank of India Buildings
2nd Floor, Fort Glacis
No.16, Rajaji Salai,
Chennai-600 001.

2. Arul Narayanan
Kotak Mahindra Prime Limited
Samson Towers, A-Wing
402 L 6th Floor, Shop No.39,
Pantheon Road, Egmore,
Chennai-600 008.

... Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act 1971, praying to punish the respondents for willfully disobeying the order dated 19.08.2019 passed in W.P.No.33668 of 2018.

For Petitioner : Mr.T.T.Ravichandran

ORDER

This Contempt Petition is filed by complaining that the order dated 19.08.2019 passed by this Court in W.P.No.33668 of 2018 has not been complied with.

2. The said writ petition was filed seeking for mandamus directing the second respondent to dispose of the complaint dated 23.07.2018 filed by the petitioner in the manner known to law, pursuant to the reference made by the first respondent in its proceedings dated 16.10.2018. The Writ Court disposed of the said writ petition on 19.08.2019 by passing the following order:

"Learned Counsel appearing for the First and Second Respondents, on instructions, states that the complaint dated 23.07.2018 filed by the Petitioner has been disposed by order CEPC(CHE)/2551/02.02.002/2018-2019 dated 08.03.2019 passed by the First Respondent and action taken report has been filed by the First and Second Respondents to that effect along with the copy of the same. Nothing remains for further consideration in the matter.

2. The Writ Petition stands disposed recording the aforesaid subsequent developments. If the Petitioner still has any grievance to be redressed in the matter, it is open to her to work out her remedy for necessary relief before the competent forum in the manner recognized by law. No costs."

3. Now, this contempt petition is filed by contending that the above said order is violated.

4. A careful perusal of the order passed by this Court on 19.08.2019, would show that no cause of action would arise for the petitioner to approach this Court and file the present contempt petition, since at Paragraph No.2, this Court, made it very clear that if the petitioner still has any grievance to be redressed in the matter, it is open to her to work out her remedy for necessary relief before the competent forum in the manner recognized by law. Therefore, instead of working out her remedy before the appropriate forum, the petitioner has come forward to file the present contempt petition, in my considered view, is not maintainable, as I find no cause of action for filing this contempt petition has arisen. Accordingly, this

Contempt Petition fails and the same is dismissed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

mk

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

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SMI/16/06/2020

To

1. The Assistant General Manager
Office of the Non-Banking Financial Companies
Ombudsman, Reserve Bank of India Buildings
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