



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.7892 of 2021 &
WMP.Nos.8446 and 8448 of 2021

V. Jayalakshmi

.. Petitioner

Vs.

1. The Banking Ombudsman,
Reserve Bank of India Building,
16, Rajaji Salai, Fort Glacis,
Chennai 600 001.

2. Branch Manager, City Union Bank,
Mylapore Branch,
Old No.18-19, New No.29,
East Mada Street, Mylapore,
Chennai 600 004.

.. Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records of the 1st respondent pertaining to BO (Che) 202021006007521/2020-21, dated 17.12.2020 and quash the same and consequentially direct the 2nd respondent Bank to permit the petitioner to close and encash the following Fixed Deposits Accounts (viz., Fixed Deposit dated 06.08.2019 bearing number 500707120104222, Fixed Deposit dated 06.08.2019 bearing number 500707120104223, Fixed Deposit dated 06.08.2019 bearing number 500707120104224 and Fixed Deposit dated 06.08.2019 bearing number 5007071201042251) all with the 2nd respondent Bank and credit the total proceeds together with accrued interest until the date of such closure, to the petitioner's Savings Bank Account bearing number 59109282323688 with the Adyar Branch of HDFC Bank (IFSC: HDFC0001866) and further direct the 2nd respondent Bank to pay a sum of Rs.10,00,000/- as Compensation towards Deficiency in Service and a Compensation of Rs.100,000/- towards loss of time, avoidable expenses, harassment and mental agony.

For Petitioner : Mr. R. Venkatraman for
M/s. Tatva Legal Chennai

For Respondents : Mr. R. Sivaraman for R2



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O R D E R

The petitioner has come up with this writ petition to quash the proceedings of the 1st respondent dated 17.12.2020 and for consequential direction.

2.It is the case of the petitioner that he is a senior citizen and having a savings bank account with the 2nd respondent Bank. She preferred a complaint dated 28.09.2020 bearing No.202021006007521 with the 1st Respondent under Clauses 8 and 9 of the Banking Ombudsman Scheme, 2006, stating that the 2nd Respondent Bank had wilfully refused to permit her to close and encash the four fixed Deposits standing in the joint names of the petitioner and her daughter Vidyalatha, even after their maturity. The first respondent by order dated 17.12.2020 bearing No.BO(Che)/202021006007521/2020-21 rejected the said complaint on the ground that a suit in CS.No.599 of 2019 filed by petitioner's son viz., V.Sreekant against the petitioner and the 2nd respondent Bank is pending. According to the petitioner, the said suit is for partition of the suit schedule properties, which do not include the subject fixed deposits and therefore, the order so passed by the 1st respondent is liable to be set aside as it is arbitrary, illegal and in violation of the principles of natural justice.

3.Today, when the matter was taken up for consideration, Mr.S.Sivaraman, learned counsel appearing for the 2nd respondent Bank fairly submitted that the issue involved herein has already been resolved and the prayer of the petitioner has been dealt with and hence, nothing survives for further adjudication herein.

4.The aforesaid submission made by the learned counsel for the second respondent has been conceded by the learned counsel for the petitioner.

5.Recording the submissions so made by the learned counsel on either side, this writ petition stands disposed of, leaving it open to the respective parties to agitate their claims in the pending civil suit. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

msr



To

1. The Banking Ombudsman,
Reserve Bank of India Building,
216, Rajaji Salai, Fort Glacis, Chennai 600 001.

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2. Branch Manager, City Union Bank,
Mylapore Branch, Old No.18-19, New No.29,
East Mada Street, Mylapore,
Chennai 600 004.

+1cc to M/s.Tatva Legal Chennai, Advocate, S.R.No.30790

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SR-II(CO)
HS(26/08/2021)