

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.14278 OF 2020

AND

W.M.P.NO.17750 OF 2020

M.Manjula

... Petitioner

Vs

1. General Manager,
Reserve Bank of India,
Beach Road,
Chennai.
2. The Regional Manager,
Central Bank of India,
Chennai.
3. Deputy General Manager,
Nabard Bank,
No.48, Nungamakkam High Road,
Chennai - 34.
4. General Manager,
Nodel Office, Bank Redressal Forum,
RBI, Chennai - 1

... Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to consider petitioner's representation dated 31.07.2020 and consequently direct the 1st respondent to take necessary action against the 2nd and 3rd respondents for their negligent act leads to death of her father-in-law.

For petitioner ... Mr.S.N.Subramani

For Respondents ... Mr.C.Mohan
for M/s.King & Patridge for R1 & R4
Mr.M.L.Ganesh for R2
Mr.S.Sathiyarayanaraya for R3

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioner's representation dated 31.07.2020 and consequently, direct the 1st respondent to take necessary action against the 2nd and 3rd respondents for their negligent act, which according to the petitioner, led to the death of her father-in-law.

2. Mr.C.Mohan, learned counsel representing M/s. King and Patridge for 1st and 4th respondents has placed before this Court, an order dated 13.10.2020, passed by the Banking Ombudsman in the representation dated 31.07.2020 given by the petitioner, closing the complaint given by the petitioner. In the order dated 13.10.2020, the Banking Ombudsman has observed as follows:

5. Since writ petition is still pending in the court, your complaint has been closed under Clause 13 (2) of the Banking Ombudsman Scheme 2006 (Scheme), which reads as under:

"The banking Ombudsman, shall, if it appears at any stage of the proceedings that the complaint pertains 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, pass an order rejecting the complaint giving reasons thereof."

6. We advise for your information and guidance that a complaint closed under the above clause is not appealable. However, you are free to approach Consumer Forum or any legal authority in accordance with law for redressal of your grievance.

3. Since the complaint of the petitioner dated 31.07.2020 has been duly considered by the Reserve Bank of India, nothing survives for further adjudication in this matter.

4. After recording the order dated 13.10.2020, passed by the Banking Ombudsman, this Writ Petition is disposed of. If the petitioner is aggrieved by the order dated 13.10.2020 passed by the Banking Ombudsman, it is open to her to challenge the same

before the appropriate forum in accordance with law. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsi

To

1. General Manager,
Reserve Bank of India,
Beach Road,
Chennai.
2. The Regional Manager,
Central Bank of India, Chennai.
3. Deputy General Manager,
Nabard Bank,
No.48, Nungamakkam High Road,
Chennai - 34.
4. General Manager,
Nodel Office, Bank Redressal Forum,
RBI, Chennai - 1

+1cc to M/s.King & Patridge, Advocate, S.R.No.13685
+1cc to Mr.S.Sathiyarayanana, Advocate, S.R.No.13777

W.P.No.14278 of 2020

PMK(CO)
CS/19/03/2021

सत्यमेव जयते

WEB COPY