

Ct. 05
Item No.29
24.11.2022
(Suvendu)

WPA 21865 of 2022

Marjina Bibi
Vs.
The Banking Ombudsman & Ors.

Mr. Nirmalya Kr. Das
Ms. Jasminara Khatun

.....for the petitioner

Ms. Sreemoyee Mitra
Mr. Kapil Guha

.....for the Bank

The affidavit-in-opposition filed on behalf of the respondent no. 3/ Bank is taken on record.

The petitioner seeks investigation by the Manager of Syndicate Bank, Murarai, Birbhum on account of withdrawal of Rs. 40,000/- by some other person. The stand of the petitioner is that the petitioner was not aware of withdrawal of Rs. 40,000/-.

The affidavit-in-opposition of the respondent no. 3/ Bank encloses the Account Opening Form, the Withdrawal Form as well as the Account Statement which bear the signatures of the petitioner. The Withdrawal Form showing an amount of Rs. 40,000/- was deposited on 07.06.2017 and the said amount was withdrawn on that date itself from the said account.

Although learned counsel appearing for the petitioner urges that the signatures on the documents enclosed do not match with the signature of the petitioner, this Court is of the view that the writ court is not the forum to decide such kind of matters which require evidence for proper adjudication. The documents placed by the Bank also do not contain any startling facts which would persuade this Court to call for an investigation. The petitioner's remedy, if any, lies elsewhere.

WPA 21865 of 2022 is accordingly dismissed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)