



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-01-2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.28371 OF 2015

M/s.G.M.K.Distributions,
Represented by its Partners,

1. K.Rajendrakumar
2. Premalatha,
Having Office at
No.86, Manalurpet Road,
Thiruvannamalai - 606 601.

... Petitioner

.Vs.

1. The Branch Manager,
Indian Bank,
R.A.Puram Branch,
No.78, II Main Road,
R.A.Puram, Mandaveli,
Chennai - 600 028.

2. G.Murugan Muthukumaran

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to return the fixed deposit amount of Rs.10 lakhs with the accrued interest made by the petitioner under RIP Account No.6106863851 dated 26.02.2013 and RIP Account No.6138701279 dated 27.06.2013 by the petitioner-Company with the first respondent-Bank forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondent-1 : No Appearance

For Respondent-2 : Ms.Vasudha Thiagarajan



O R D E R

The relief sought for in the present writ petition to direct the first respondent to return the fixed deposit amount of Rs.10 lakhs with the accrued interest made by the petitioner under RIP Account No.6106863851 dated 26.02.2013 and RIP Account No.6138701279 dated 27.06.2013 by the petitioner-Company with the first respondent-Bank forthwith.

2. The petitioner-Company is a Partnership Firm carrying on the business of purchase and sale of lubricant oil.

3. The grievance of the petitioner-Company is that the second respondent is no more a partner in the petitioner-Company, since he retired from partnership by retiring on 28.07.2014. In respect of bank deposits, the petitioner-Company made a claim that the deposited amount is to be returned to them.

4. This Court is of the considered opinion that the dispute raised in the present writ petition requires an elaborate adjudication and such adjudication cannot be undertaken in the writ proceedings under Article 226 of the Constitution of India.

5. This apart, there are certain disputes between the partners, as the second respondent had retired from the partnership. All these facts and circumstances are to be enquired into for the purpose of considering the relief as such sought for in the present writ petition. Thus, the petitioner has to approach the Banking Ombudsman or the Competent Forum or the Competent Civil Court of Law for the purpose of adjudication of these issues. However, the disputed issues cannot be adjudicated in the writ proceedings, more specifically, when the the relief sought for is to direct the first respondent to return the fixed deposit amounts.

6. In this view of the matter, the petitioner-Company is at liberty to approach the Banking Ombudsman or the Competent Forum or the Competent Court of Law, for the purpose of redressal of its grievances.

7. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



Svn

To

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The Branch Manager,
The Indian Bank,
R.A.Puram Branch,
No.78, II Main Road,
R.A.Puram, Mandaveli,
Chennai - 600 028.

+1cc to Mr.R.Thiagarajan, Advocate, S.R.No.3955

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.4105

W.P.NO.28371 OF 2015

MT (CO)
PBS/08/02/2022