



W.P.(MD)No.15573 of 2020

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 10.11.2023**

**C O R A M**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**W.P.(MD)No.15573 of 2020**

**and**

**W.M.P.(MD)No.13076 of 2020**

Jeyaraman

... Petitioner

-VS-

- 1.The Banking OMBUDSMAN,  
Reserve Bank of India Building, 2<sup>nd</sup> Floor,  
Fort Glacis, Rajaji Salai, Chennai – 600 001.
- 2.The Manager,  
Karur Vysa Bank Ltd., Thalakulam Branch,  
No.149, A and B, Algarkovil Road, Thalakulam,  
Madurai.
- 3.The Inspector of Police,  
Thallakulam Police Station, Thallakulam,  
Madurai.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in BO Che/30/201819006008632/2018-2019, dated 02.07.2019, quash the same and



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consequently, direct respondents 1 and 2 to disburse the money of Rs.917516/- with the accrued interest in Account Nos.1258503000019502/1, 1258503000019515/1 of 2<sup>nd</sup> respondent bank within a time frame.

For Petitioner : Mr.A.Balakrishnan  
For R1 : Mr.K.R.Laxman  
For R2 : Mr.V.Sukumar  
For R3 : Mr.R.Sivakumar  
Government Advocate (Criminal side)

### ORDER

This Writ Petition has been filed challenging the order passed by the first respondent, dated 02.07.2019 and for a consequential direction to the respondents 1 and 2 to disburse the money with accrued interest to the petitioner, within the time frame fixed by this Court.

2. Heard the learned counsel appearing for the parties.

3. The main grievance that has been expressed by the petitioner is that the wife of the petitioner made a fixed deposit before the second respondent. The daughter of the petitioner, namely, Kavitha was shown as the nominee. A Will was executed in favour of the petitioner on 10.06.2016 and a requisition



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letter was also given before the second respondent Bank to include the name of the petitioner along with his wife. Accordingly, the name of the petitioner and his wife was entered as "Either or Survivor". The wife of the petitioner expired on 17.06.2016. The daughter of the petitioner in her capacity as the nominee, made the claim before the second respondent Bank. There is a serious dispute between the petitioner and his daughter and the petitioner had given a complaint against his daughter, which was taken on file and an F.I.R. came to be registered in Crime No.1987 of 2016 for offence under Sections 406 and 420 of I.P.C. This F.I.R. was investigated and a closure report was filed before the learned Judicial Magistrate No.II, Madurai, as 'Mistake of Fact'.

4. The petitioner thereafter made a representation to the second respondent, seeking for the release of the fixed deposit amount. On receipt of the same, the second respondent through communication, dated 05.03.2019, refused to release the amount on the ground that the petitioner has not filed any documents regarding the closure of the criminal case and further, directed the petitioner to produce the orders of the Court. The petitioner was aggrieved with this reply given by the second respondent and hence,



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submitted an application before the first respondent for a direction to the second respondent to disburse the fixed deposit amount.

5. The first respondent through the impugned order dated 02.07.2019, closed the complaint and stated that the petitioner is free to approach Consumer Forum or any other legal authority in accordance with law for redressal of the grievance. Aggrieved by the same, the present Writ Petition has been filed before this Court.

6. The Banking Ombudsman Scheme, 2006 was placed before this Court. Clause 8 of the Scheme deals with the grounds on which a complaint can be entertained by the first respondent. In the instant case, there is a dispute between the petitioner and his daughter with regard to the disbursal of the fixed deposit amount that remains with the second respondent Bank. The daughter is claiming for the fixed deposit amount in her capacity as the nominee and the petitioner is claiming the fixed deposit amount in his capacity as a beneficiary under the Will. The second respondent Bank has, therefore, informed the petitioner to get appropriate orders from the Court and to seek for the withdrawal of the amount. This dispute certainly does not



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fall within any of the requirements under Clause 8 of the 2006 Scheme. In view of the same, there is no ground to interfere with the order passed by the first respondent.

7. In the result, this Writ Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No  
Index : Yes/No  
SMN2

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To

1.The Banking OMBUDSMAN,  
Reserve Bank of India Building, 2<sup>nd</sup> Floor,  
Fort Glacis, Rajaji Salai, Chennai – 600 001.

2.The Inspector of Police,  
Thallakulam Police Station, Thallakulam,  
Madurai.



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**N.ANAND VENKATESH, J.**

**SMN2**

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