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W.P.(MD)NO.27636 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.27636 of 2022 and
W.M.P.(MD)No.21750 of 2022

V.Joseph,
S/o.Vincent,
Managing Partner of
M/s.King Palace,
100, Tenkasi-Madurai Main Road,
Tenkasi District.

... Petitioner

Vs.

1. The Branch Manager,
State Bank of India,
Town Branch, Tenkasi.

2. Yugin

3. Joyson

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for records in the impugned communication of the 1st respondent dated 29.09.2022 and quash the same as illegal.

For Petitioner : Mr.S.Kumar

For R-1 : Mr.Alaguram Jothi

For R-2 & R-3 : Mr.D.Srinivasa Ragavan

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**ORDER**

WEB COPY

Heard the learned counsel on either side.

2. The writ petitioner as well as the private respondents are partners. Due to some dispute among them, the bank account of the firm had been frozen. Challenging the same, this writ petition has been filed.

3. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of this writ petition and called upon this Court to direct the first respondent herein to lift the embargo.

4. Though the first respondent is a nationalised bank, the fact remains that the act of freezing was not done on its own. It was constrained to freeze the account in view of the partnership dispute.

5. Whether respondents 2 and 3 are entitled to seek freezing of the account or not is a matter that should be decided elsewhere. The partnership deed has to be



interpreted. Since there is private dispute, the petitioner has to move the jurisdictional civil Court. If there is an arbitration clause, then arbitration remedy can be invoked. Filing writ petition is not appropriate.

6. Leaving open the rights of the writ petitioner, this writ petition stands dismissed. If the petitioner files any suit or invokes arbitrary remedy and the suit or petition filed by the petitioner is otherwise in order, the same will be numbered immediately and the interim application will be disposed of on merits and in accordance with law within a period of four weeks from the date of filing. No costs. Consequently, connected miscellaneous petition is closed.

09.01.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No

PMU

Note : Issue order copy on 10.01.2023.



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G.R.SWAMINATHAN,J.

PMU

To:

The Branch Manager,
State Bank of India,
Town Branch, Tenkasi.

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09.01.2023