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W.P.No.27825 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.27825 of 2022
and W.M.P.No.27111 of 2022**

M/s.Gemini Auto Service,
Rep.by its Partner Mr.S.Prabhakar,
No.2, Nungambakkam High Road,
Chennai-600 034.
Petitioner

...

Vs.

1. The Central Bank of India,
Rep.by its Branch Manager,
Haddows Road Branch,
Chennai-600 006.

2.Sudhakar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to consider the e-mail representation of the petitioner dated 13.10.2022 and direct the first respondent to permit the petitioner to operate the Net Banking



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of the Overdraft Account No.3251509087 without any hindrance.

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For Petitioner : Mr.Gouthaman
For Respondents : Mr.Nithyaesh Natraj
for R1
Mr.S.Tamil Eniyan
for Mr.R.Vishnu for R2

ORDER

This Writ Petition has been filed to direct the first respondent to consider the e-mail representation of the petitioner dated 13.10.2022 and permit the petitioner to operate the Net Banking of the Overdraft Account No.3251509087 without any hindrance.

2. The learned counsel appearing for the petitioner submits that the petitioner Firm is having a Overdraft Account facility with the first respondent Bank in A/c.No.3251509087 and the second respondent, who is the one of the partners in the petitioner Firm, has obtained loans affixing the forged signatures without the knowledge of the other partners. While so, the first respondent, vide email dated 13.10.2022 informed the petitioner that



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the second respondent has requested not to operate the Overdraft account without the knowledge of the second respondent. Thereafter, the first respondent has suddenly withheld the Overdraft Account facility provided to the petitioner's Firm which affected the business. Hence, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner further submits that this Court, vide order dated 18.10.2022, directed the first respondent Bank to permit the petitioner to operate the bank account No.3251509087 standing in the name of the petitioner including net banking facility until further orders. Till date, the petitioner is operating the bank account without any hindrance.

4. The learned counsel appearing for the second respondent submits that the second respondent has no objection for allowing the petitioner to operate the bank account.



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5. In view of the submissions made by the learned counsel appearing for the petitioner, interim order granted by this Court on 18.10.2022 is made absolute and the first respondent Bank shall continue to permit the petitioner to operate the bank account No.3251509087.

6. Accordingly, this Writ Petition is closed. No costs. Connected miscellaneous petition is closed.

21.08.2024

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb
To
The Central Bank of India,
Rep.by its Branch Manager,
Haddows Road Branch,
Chennai-600 006.



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M.DHANDAPANI, J.

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