



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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CWP-25886-2024
Date of Decision: 04.10.2024

RAMPAT SAINI

... Petitioner

VERSUS

STATE BANK OF INDIA AND ORS.

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Mahavir Singh Sharma, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for directing the respondent-Authorities to deposit an amount of Rs.69,999/- in petitioner's bank account alongwith interest @ 9% per annum, as the said amount had been withdrawn from his account through unauthorized transactions.

Brief description of the grievance espoused by the petitioner in the present petition is that on 05.07.2024, he alongwith his wife had gone to market of Nayagaon-Karoran to purchase some household items. For the said purpose, there was a need of withdrawing an amount of Rs.5,000/-, for which he went to the nearby ATM booth and noticed that no security guard had been deputed there. He withdrew an amount of Rs.5,000/- and came out of the ATM booth. However, as he intended to withdraw some more money, he entered the ATM booth once again. At that point of time, two unknown persons came from behind and stood beside him in the ATM Booth. He asked them to wait outside



till his transaction was complete, but the said unknown persons made him inhale some intoxicant substance, due to which he fell unconscious. Thereafter, those unknown person took away his ATM Card and managed to withdraw an amount of Rs.69,999/- from his account through five different unauthorized transactions. He further submits that the incident took place due to sole negligence on the part of the bank authorities, who did not deploy any security guard to protect the ATM as well as the customers. Had there been a security guard, the abovesaid untoward incident could have been averted. Hence, he prayed that the respondent-Bank authorities may be directed to refund an amount of Rs.69,999/- alongwith interest. The petitioner visited the bank authorities time and again, but did not find any positive response. At last, the petitioner served a legal notice dated 16.08.2024, but the respondents did not pay any heed to it nor did they refund the abovesaid amount. Hence, this petition.

Heard.

At the very outset, learned counsel for the petitioner is confronted with the fact that it being at best a banking dispute, the petitioner has other alternative remedies for seeking redressal of his grievance and a writ petition directly would not be maintainable. He is further confronted with the well settled proposition of law that a litigant should ordinarily exhaust his alternative remedies before approaching the High Court. Learned counsel for the petitioner is not in a position to respond to both the queries and has also failed to produce

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any cogent material before this Court which may persuade this Court to entertain the present petition at the first instance.

Hence, without going into the merits of the case, I am of the opinion that the present petition is not maintainable before this Court at this stage, in view of the alternative remedies. Accordingly, the same is liable to be dismissed.

Dismissed in *limine*.

It is, however, made clear that the dismissal of the present petition shall not operate as a bar against the petitioner for seeking redressal of his grievance(s) by taking recourse to the alternative remedies available to him in accordance with law and if so advised.

OCTOBER 04, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No