IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH.

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CWP-33233-2024 (O&M).
Date of Decision: 10.12.2024.

MONICA

... Petitioner(s)

Versus

BANKING OMBUDSMAN AND OTHERS

... Respondent(s)

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

Present: Mr. Dinesh Mahajan, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the order dated 09.08.2024 (Annexure P-4) passed by the Banking Ombudsman whereby the application of the petitioner against RBL Bank Limited was declined.

2 Learned counsel for the petitioner vehemently argues that Varun Chandok, husband of the petitioner, was maintaining a joint account with his mother Mrs. Parveen Chandok, with the Mall Road Amritsar Branch of the RBL Bank Limited. Unfortunately, her husband died due to

Corona Virus on 15.05.2021. Petitioner and her mother-in-law had been quarantined as per the Government Guidelines. Even, the mother-in-law of the petitioner remained bed ridden due to huge shock who also died on 22.08.2021. During the period, when the husband of the petitioner was admitted in the hospital, there was no person in the family who could visit the bank for seeking cancellation of the FDR. The same was cancelled on the sole request of the mother-in-law of the petitioner as informed by the bank, without her presence and without the request of the husband of the petitioner. The account was closed on 17.07.2021 during the period when she was bed ridden. A representation was submitted by her to the bank on 13.03.2024, but as no action was taken, a complaint was made to the Banking Ombudsman. An e-mail dated 25.07.2024 was sent by respondent No.1 to the petitioner seeking version of the petitioner along with medical record of the husband of the petitioner and she was directed to produce the same within 07 days. The same were collected by the petitioner, however, the same took some time and in the meanwhile, the Banking Ombudsman rejected the claim of the petitioner vide order dated 09.08.2024 allegedly in an illegal and arbitrary manner. It is further argued that sufficient time was not granted to the petitioner to put forth her evidence and to grant an opportunity of hearing. It is contended that a representation for review was also sent by the petitioner, however, the same has now been declined vide order dated 22.08.2024 on the ground that since the earlier complaint has

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been dismissed, hence, there cannot be multiple complaints on the same cause of action.

3 Learned counsel for the petitioner is not in a position to controvert that any decision taken by the Banking Ombudsman can be challenged before the Consumer Courts amongst other remedies available to the petitioner in accordance with law and that a writ petition against a private bank-RBL Private Limited, is not maintainable.

4 Faced with above, counsel for the petitioner does not press the instant application so as to take recourse to the appropriate alternative remedies available to the petitioner, if so advised, in accordance with law.

5 Disposed of as not pressed with liberties as aforesaid.

6 Needles to mention that in the event of the petitioner filing an appropriate application before the appropriate Forum, adjudication of the same shall be done expeditiously and after taking into consideration the material evidence that may be so led by the petitioner.

December 10, 2024. **(VINOD S. BHARDWAJ)**
raj arora **JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No