

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9939 OF 2024

State Bank of India, through Branch Manager

....*Petitioner*

: *Versus* :

Mr. Kuntinath Ramgonda Patil

....*Respondent*

Ms. Fatima Lakdawala, *for the Petitioner.*

Mr. Sachin Pawar *with Mr. Shailesh Chavan, for the Respondent.*

CORAM : SANDEEP V. MARNE, J.

Dated : 23 June 2025.

P.C. :

1) The petition challenges order dated 13 November 2023 passed by the National Consumer Disputes Redressal Commission, New Delhi dismissing Revision Petition No.512/2022 preferred by the Petitioner-Bank against the order dated 13 October 2021 passed by the State Consumer Disputes Redressal Commission by which Petitioner's Appeal was dismissed for want of prosecution.

2) The Appeal was filed challenging order dated 27 February 2017 passed by the District Consumer Dispute Redressal Forum, Satara in Complaint No.39/2016 directing the Petitioner-Bank to defreeze the Account and pay the interest at the rate of 6% p.a. in addition to compensation of Rs.50,000/- and costs of Rs.5,000/- to the Respondent.

3) I have heard Ms. Lakdawala, for the Petitioner and Mr. Pawar, learned counsel appearing for the Respondent.

4) After having considered the submissions canvassed by the learned counsel appearing for the parties, it is seen that default in appearance was made on behalf of the Petitioner on 2 September 2021. The State Forum noticed the fact that the Respondent had travelled all the way from Kolhapur, but showed indulgence and adjourned hearing of the Appeal to 13 October 2021 on payment of costs of Rs.2,000/-. The Petitioner however neither paid costs as directed by order dated 13 October 2021 nor remained present when the Appeal was again called out on 13 October 2021. Considering the negligent conduct of the Petitioner, the State Forum was left with no alternative but to dismiss the Appeal for non-prosecution.

5) In the revision filed before the National Forum, the plea of family of the Advocate of the Petitioner suffering from Covid-19 was raised. However, it is pleaded in the said application that father-in-law and a close friend of Advocate for the Petitioner had suffered from Covid-19 and succumbed to illness in the month of April 2021. It is contended that the Advocate was at Gondiya, Nagpur taking care of the entire family. However, the alleged contracting of Covid-19 and death of the relatives/friend in April 2021 does not justify non-appearance on behalf of the Petitioner on 2 September 2021 and 13 October 2021. In my view, therefore no cause is made out for recall of order dated 13 October 2021.

6) Even otherwise, the order passed by the District Forum directs defreezing of the Account and payment of interest at the rate of 6% p.a. in addition to compensation of Rs.50,000/- and costs of Rs.5,000/-. Ms. Lakdawala clarifies that the amount of Rs.2,50,154/- has already been released in favour of the Respondent. It is contended by Ms. Lakdawala that freezing of the Account was required to be done on account of

consistent practice followed by the Petitioner-Bank in freezing the Accounts of the employees who are accused of fraud. It is submitted that some of the amounts standing to the credit of the Respondent included misappropriated amount from other customers. It is submitted that after conduct of disciplinary enquiry, Respondent has been removed from service on 27 September 2014. However, the order dated 27 September 2014, would indicate that there is no direction for recovery of any misappropriated amount and the Respondent came to be simply dismissed from service. In absence of any order for recovery, it is difficult to hold that the Petitioner-Bank was otherwise justifiable in withholding the Savings Bank Account balance of the Respondent. Thus, no purpose would be served by restoring the Appeal of the Petitioner at such a belated stage. I am therefore not inclined to interfere in the order of National Forum. The petition is devoid of merits. The same is **dismissed** with no order as to costs.

NEETA
SHAILESH
SAWANT

Digitally
signed by
NEETA
SHAILESH
SAWANT
Date:
2025.06.24
19:31:21
+0530

[SANDEEP V. MARNE, J.]