



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.5467 OF 2024

Hanumanth Adinarayan Palyala

.....Petitioner

Vs.

The State Bank of India & Ors.

.....Respondents

Mr. Shashank Palyala with Mr. Rahul Shirgavkar, i/b. Mr. Nikhil Mendge, for the Petitioner.

Mr. M. B. Jaiswar, for the Respondent No.1.

Mr. Prasad Shenoy with Ms. Aditi Phatak, Mr. Vijay Salokhe and Ms. Ishita Desai, i/b. BLAC Co., for the Respondent No.2.

Smt. Fatima Lakdawala, AGP, for the Respondent No.3.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 30th APRIL 2025.

P.C.:-

1. By this Petition, the Petitioner essentially seeks a direction to the Respondent No.1-State Bank of India to pay an amount of Rs.40,023.60 with interest from the date of loss to the Petitioner.

2. It appears that when the Petitioner was on the way to Chembur Naka Bus Stop from his residence, one unknown person came and surreptitiously snatched the Petitioner's wallet, which contained his ATM card, Debit Card, Aadhar Card and Pan Card.

The said incident took place on 12th September 2022 at about 10.15 a.m. The Petitioner reported the said incident to the police, pursuant to which the police apprehended two persons and the said two persons after investigation were chargesheeted. It appears that an amount of Rs.5,900/- was recovered at the instance of one of the accused. Out of the amount of Rs.40,000/-, which was removed from the Petitioner's account, since an amount of Rs.5,900/- was seized at the instance of one of the accused, the Respondent No.1-the State Bank of India has voluntarily credited an amount of Rs.35,000/- in the Petitioner's bank account without prejudice to their rights. The said amount is accepted by the Petitioner.

3. As far as the balance amount of Rs.5,000/- and odd amount is concerned, it is open for the Petitioner to make an appropriate Application before the trial Court for return of the said amount. If such an Application is made, considering the age of the Petitioner, which is 80 years, learned trial Judge to decide the Application expeditiously, in any event within four weeks from the date of its filing.

4. We make it clear that the aforesaid order has been passed in the peculiar facts of this case and it shall not be treated as a precedent.

5. The Petition is accordingly disposed off.

6. All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.) (REVATI MOHITE DERE, J.)