



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL REVISION APPLICATION NO.35 OF 2020

[Bank of Maharashtra and Others **..Vs..** Satish S/o Mahadeorao Uke]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr A. De, Advocate for Applicants.
Mr S. M. Uke, in-person through Video Conferencing.

CORAM : M. W. CHANDWANI, J.

DATE : 24th JULY, 2025.

1. Heard.

2. By this application, the applicants challenge the order dated 26.02.2020 passed by the learned Joint Civil Judge Senior Division, Nagpur in Regular Civil Suit No.980 of 2018 whereby, the application of the applicants (original defendants) for rejection of plaint under Order 7 Rule 11 came to be rejected mainly on the ground that it does not disclose the cause of action against the applicants.

3. The original defendant Nos.13 to 18 in Regular Civil Suit No.980 of 2018 filed the application contending that the plaint does not disclose the cause of action and the relief claimed by the non-applicant is under valued. The Trial Court rejected the application of the applicants (original defendants). Therefore, feeling aggrieved with the rejection of the application, the present revision application came to be filed.

4. Brief presumes of the certain facts are necessary :

The non-applicant – original plaintiff filed Regular Civil Suit No.980 of 2018 against the defendants including the

present applicants for declaration and permanent injunction on the ground that the action of the present applicants and defendant Nos.2 to 12 is illegal and deliberate. Further, in prayer Clause (iv-A) of the suit, the original plaintiff has sought a direction against the Bank of Maharashtra, Branch at Narendra Nagar and Zonal Office of the Bank of Maharashtra to reconstruct the record of his account, which was in operation in 2001. The applicants filed an application before the Trial Court for rejection of the plaint mainly on the ground that it does not disclose the cause of action contending that the Court cannot exercise jurisdiction for directing the Bank and the Zonal Office to reconstruct the record of a customer's account. The suit is barred by the provisions of law as Bank of Maharashtra is governed by its own office procedure with regard to reconstruction of record and destruction of the original record. The Trial Court rejected the application by assigning the reason that the non-applicant/the original plaintiff has averred that he had issued the cheques from his account with the Bank of Maharashtra Branch at Narendra Nagar whereas, the bank statement shows that the cheques were never drawn on the said account for encashment. The non-applicant further averred that the bank officials are acting in collusion with the other defendants to destroy the bank record.

5. Mr. Apurv De, learned counsel appearing on behalf of the applicants submitted that there is no connection of these defendants with other defendants. According to him, the only relief which was sought by the non-applicant is prayer Clause

(iv-A) of the suit, that too against Bank of Maharashtra, Branch at Narendra Nagar. Whereas, the non-applicant has made the Chief Executive Officer of the Bank of Maharashtra as a party alongwith other Higher Officials of the Bank. Therefore, according to him, the Trial Court did not consider this aspect and wrongly dismissed the application.

6. Conversely, Mr. Satish Uke, the non-applicant in person who appeared through video conferencing from Central Jail, Nagpur submitted that the plaint contains a detailed description of the role played by the officials of the Bank of Maharashtra, Branch at Narendra Nagar as well as the Zonal Office of the said bank, apart from the legal advisor and therefore, these facts have been spelled out in the plaint. Accordingly, he sought rejection of the application.

7. With the able assistance of both the parties, I have perused the plaint more particularly, para 46-G of the plaint which is reproduced as under :

“46-G. That, on 28.08.2018 the plaintiff contacted with the Bank of Maharashtra N'nagar Branch, Nagpur & Zonal Office of Bank of Maharashtra on 28/08/2018 & 3.09.2018 & personally requested the official to supply the relevant information, but after various visits the petitioner does not got any information but came to know that various bank officials are involved directly or indirectly/knowingly or unknowingly in the conspiracy against the plaintiff with def. no. 11. The petitioner got information that the then Manager of N'nagar Branch Smt. Ranjeeta Singh gave response to the def. no.11 on the enquiry of cheques no. & in response she gave statement of account. Smt. Ranjeeta Singh gave the said response in consultation

with law/legal officer at Zonal office Nagpur Smt. Josthna Banerjee. by this way Bank of Maharashtra is involved in the conspiracy with def. no. 11 against plaintiff. The plaintiff also came to know that the concern cheque issuance record is destroyed in bank records & nothing kept to trace the said record. It is also came to know in the said act there is instruction one politician who having interest against the plaintiff.”

8. Thus, on perusal of para 46-G alongwith other contentions made in the plaint, it appears that the allegations have been made against defendant Nos.2 to 12 and 14 to 18. Furthermore, the prayer clause reveals that directions are being sought against the Bank of Maharashtra, Branch at Narendra Nagar and the Zonal Office of the said bank. Defendant Nos.14 to 17 are the officers of this branch and the Zonal Office. Therefore, I do not see any reason to disagree with the findings recorded by the Trial Court that the suit is not barred under any of the laws. Defendant No.13 is Bank of Maharashtra which has been sued through the Managing Director and CEO, Central Office. Since, the relief has been sought against the branch as well as the Zonal Office and Bank of Maharashtra has been sued through the Managing Director and CEO, therefore, there is no substance in the submission made by the learned counsel for the applicants. No interference is required in the impugned order passed by the Trial Court. Accordingly, the application is **dismissed**.

JUDGE