



W.P.No.11057 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.11057 of 2025

1. S.SAROJA GANESAN
 2. G NAVEEN KUMAR
- ... Petitioners

Vs

1. THE RBI OMBUDSMAN,
THROUGH THE NODAL OFFIER,
OFFICE OF THE OMBUDSMAN,
RESERVE BANK OF INDIA, RAJAJI SALAI,
CHENNAI-600 001.
 2. CITY UNION BANK LTD,
REGISTERED OFFICE,
149, TSR BIG STRET, KUMBAKONAM – 612 001.
 3. THE BRANCH MANAGER
CITY UNION BANK LTD,
VALASRAVAKKAM, CHENNAI – 87.
 4. THE INSPECTOR OF POLICE,
T12, SELAIYUR POLICE STATION,
CHENNAI – 600 073.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 03.03.2025 vide No. 1RBI/CMS/N202425023620984/2024-25 issued by the 1st respondent and quash the same and to direct the respondents 1 to 3 return the pledged gold



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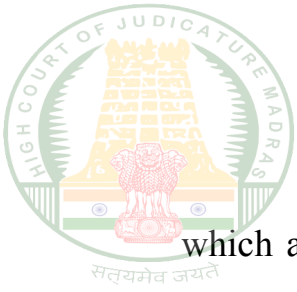
jewels to the petitioners in loan amount No.502112058000952 & loan account No. 502112058000993 lying with the respondent bank and directing the 4th respondent to issue non-traceable certificate in the matter of FIR No. 599/2022 which is pending on his file for the missing person/pawnor Mr.Ganesan.

For Petitioner : Mr.K.Koteswara Rao
For R2 & R3 : Ms.Padma Priya
for M/s.Ananda Gomathy
For R4 : Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

This writ petition is filed for a writ of Certiorarified Mandamus challenging the impugned order made in No. 1RBI/CMS/N202425023620984/ 2024-25, dated 03.03.2025. By the said order, the first respondent, namely the RBI Ombudsman, had rejected the complaint made by the petitioner.

2. Upon hearing the learned counsel appearing for the petitioner and perusing the affidavit filed in support thereof and the other material records of the case, the grievance of the petitioner is that the jewels of the first petitioner,



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which are detailed in paragraph No. 3, were pledged by the first petitioner's

husband, namely *Ganesan*, who availed two separate jewel loans.

Unfortunately, *Ganesan* has been missing since 12.10.2022. The petitioner therefore approached the bank and has also settled the amount. But, despite filing a missing person case in Crime No.599 of 2022, the first petitioner's husband remains untraceable. Therefore, when the petitioner sought the return of the jewels as well as adjusting the amount that is lying in the Savings Bank account, the same was refused by the second respondent bank. Consequently, the petitioner approached the first respondent, which also rejected the claim, and therefore, the petitioner is before this Court.

3. When the matter came up for admission, it was submitted on behalf of the second respondent bank that it is true that some amount is lying in the credit of the Savings Bank account. However, the mandatory period of seven years from the date of the missing is neither over nor any declaration of Court is there. Therefore, the second respondent bank cannot act at this stage.

4. The learned Government (Crl.Side) Advocate appearing for the fourth respondent submitted that the missing person complaint is still being pursued and as on date, the husband could not be traced.



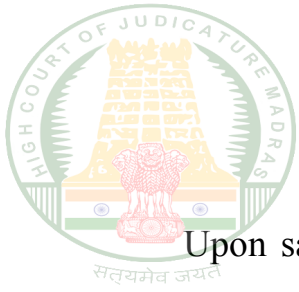
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WEB COPY 5. I have considered the rival submissions made on either side and perused the material records of the case.

6. The stand taken by the second respondent bank cannot be faulted, as the seven year period to presume civil death has not yet passed. However, considering the peculiar circumstances of the case, where the petitioner pleads that the jewels belong to her and were pledged in the name of her husband, and where there is no other dispute or rival claim and when the petitioner is ready and willing to execute an indemnity bond, I am of the view that this writ petition can be disposed of with the following directions:-

(i) The petitioner shall appear before the third respondent on 15.04.2025, or any other subsequent date as may be agreed by the parties and execute an indemnity bond or such other forms as may be insisted upon by the third respondent.

(ii) The third respondent shall then look into the accounts and adjust the amount, if any, lying in the Savings Bank. Even thereafter, if any further amount is to be paid by the petitioners, the petitioners shall pay the same.



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Upon satisfaction and after receiving the indemnity bond, the jewels can be handed over to the petitioners.

(iii) Needless to mention that appropriate photographs and videographs shall be taken and held as evidence by both parties and one set of copies can also be submitted to the fourth respondent - Inspector of Police.

(iv) The parties shall act upon the production of the web copy of the order without waiting for the certified copy of the order.

7. Accordingly, this writ petition is disposed of. No costs.

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Neutral Citation: Yes/No
nsl



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