



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-09-2025

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**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR JUSTICE C. SARAVANAN**

**WA No. 2846 of 2023
and
CMP No. 23694 of 2023**

M.Shirijha

Appellant(s)

Vs

1.The Ombudsman
Reserve Bank of India, Chennai.

2.IDFC First Bank Ltd.,
Rep. by its Manager,
455, Third Floor,
Teynampet, Chennai 18.

Respondent(s)

PRAYER

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order
Dated 24.02.2023 in WP.No. 20643 of 2021 and allow this Writ Appeal.



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WA No. 2846 of 2023



For Appellant(s): M/s.M.Shirijha (P-in-P)

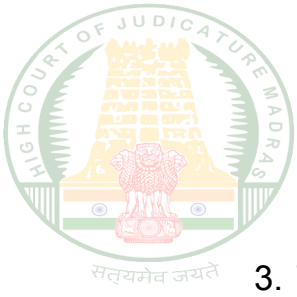
For Respondent(s): R1-No Appearance
Mrs.Shanmuga Priya Sridhar
For Mr.S.K.Mariyappan For R2

J U D G M E N T

(Judgment was delivered by S.M.Subramaniam J.)

The present writ appeal has been instituted challenging the writ order dated 24.02.2023 passed in W.P.No.20643 of 2021. The writ petitioner is the appellant before this Court.

2. The 1st respondent in proceedings dated 13.07.2022 declined to entertain the complaint sent by the appellant against the officers of the 2nd respondent / Bank and it came to be challenged. The reasons stated in the order passed by the 2nd respondent is that “The bank has approached High Court in the matter. As per Reserve Bank - Integrated Ombudsman Scheme, 2021 a complaint is non-maintainable if it is pending before any Court, Tribunal or Arbitrator or any other Forum or Authority”.

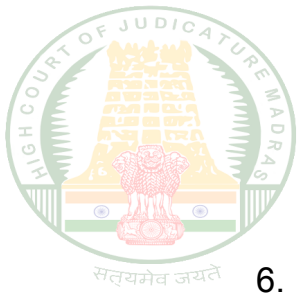


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3. The petitioner agreed to purchase a flat through private negotiation with the 2nd respondent. A private offer on an 'as is where is' basis for a total sum of Rs.6,60,000/- was agreed. The appellant paid an advance amount of Rs.11,25,000/- in two installments. The sale had not been concluded. The appellant requested for a refund of the entire advance amount with interest since the Bank has not responded. The appellant approached the 2nd respondent, who in turn rejected the complaint. Thus, the writ petition came to be instituted.

4. The appellant appearing in person would mainly contend that the learned Single Judge has made personal remarks against the appellant since he was working as a Judicial Officer. Since these personal remarks are no way connected with the private negotiation regarding purchase of a flat from the 2nd respondent/Bank, the appellant preferred the present writ appeal.

5. That apart, the appellant seeks interest in respect of the advance amount paid by her in two installments.



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6. The learned counsel for the 2nd respondent/Bank would submit the entire advance amount was repaid during pendency of the criminal original petition filed by the Officers of the Bank in CrI.O.P.No.12074 of 2021 in respect of Crime No.185 of 2021 on the filed of the Inspector of Police (Crime), J-4 Kotturpuram Police Station, Chennai.

7. The learned Single Judge vide order dated 26.04.2023 made an observation that the petitioner in the criminal original petition and the appellant herein shall have no claims against each other in future regarding the transaction alleged in the FIR. However, this Court is of the considered opinion that such an observation would not preclude the appellant from claiming interest in the advance payment, which is her civil right.

8. The Banking Ombudsman cannot adjudicate the appellant's entitlement to claim interest on the advance amount paid to the 2nd respondent/Bank. However, it's contended that the complaint filed before the Ombudsman is for the forfeiture of the advance amount by the 2nd



respondent/Bank.

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9. May that as it be. This Court is of the considered view that personal observations against the appellant are unnecessary in the present case since her erstwhile position as a Judicial Officer is unconnected with her private negotiation with the 2nd respondent/Bank for purchasing a flat.

10. As far as the claim of the appellant for payment of interest is concerned, she is at liberty to approach the Competent Forum in the manner known to law, if any such right exists and in accordance with law. However, the observations made in the order dated 26.04.2023 in CrI.O.P.No.12074 of 2021 may not stand in the way of the appellant claiming interest on the advance amount in accordance with law.



11. With the above observations, the Writ Appeal stands disposed of.

Consequently, the connected Miscellaneous Petition is closed. There shall be

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no order as to costs.

(S.M.SUBRAMANIAM J.)(C.SARAVANAN J.)

12-09-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To

The Ombudsman

Reserve Bank of India, Chennai.



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S.M.SUBRAMANIAM J.
AND
C.SARAVANAN J.

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