



W.P.(MD) No.28789 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.10.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.28789 of 2025
and W.M.P(MD).No.22381 of 2025

N.Chandra Babu

... Petitioner

-VS-

1.The Regional Director,
Reserve Bank of India,
South Regional Head Office,
16, Rajaji Salai, Fort Glacis,
Chennai.

2.The Branch Manager,
HDFC Bank,
No.5199, Sivam Towers,
Opposite to Devar Hall,
West Boulevard Road,
Tiruchirappalli District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the second respondent to consider the petitioner's representation dated 02.09.2025 for defreezing his bank accounts maintained



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with the second respondent, viz., A/c No.59209894649129 (M/s.Kavi Hospital and Neuro Foundation) and A/c.No.59209443320094 (M/s.Kavi Pharmacy).

For Petitioner : Mr.K.Vijayan

ORDER

This writ petition has been filed seeking for the following relief:

“to direct the second respondent to consider the petitioner's representation dated 02.09.2025 for defreezing his bank accounts maintained with the second respondent, viz., A/c No.59209894649129 (M/s.Kavi Hospital and Neuro Foundation) and A/c.No.59209443320094 (M/s.Kavi Pharmacy).”

2. The petitioner would contend that he is the partner of Kavi Hospital & Neuro Foundation as well as Kavi Pharmacy. This Firm/Hospital has been providing medical services to patient in Tiruchirappalli as also pharmaceutical services. The petitioner in the course of their business were maintaining the following accounts at the respondent bank at Tiruchirappalli:

1. Kavi Hospital and Neuro Foundation -A/c No.59209894649129

2. Kavi Pharmacy - A/c.No.59209443320094



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3. It appears that dispute arose among the partners regarding the management of above establishments and the matter was referred to arbitration as the partnership deed contained an arbitration clause. The Sole Arbitrator came to be appointed vide order of this Court dated 07.12.2021. After a full-fledged enquiry, the learned Arbitrator had passed an award on 01.03.2023 in Arbitration No.3/2021. The learned Arbitrator has observed that a sum of Rs.3,70,00,000/-, which was lying frozen in the aforesaid accounts, would continue to remain frozen, until it is released by the competent Court orders. The petitioner would submit that despite succeeding in the Arbitration proceeding, the accounts of the Hospital and Pharmacy continue to remain frozen. The prolonged freezing was causing great hardship to the petitioner inasmuch as the salary of the Doctors, Nurses and Staff etc., remained unpaid and the suppliers of medicines and other consumables have also not been settled, that apart, the statutory dues continue to remain in arrears, consequently the entire medical services were being disrupted. Therefore, the petitioner has come forward with the above writ petition.

4. A perusal of the document filed along with the writ petition would show that the petitioner herein has invoked the arbitration clause. The learned Arbitrator had raised 9 issues, of which, issue Nos.5 and 8 alone are relevant for disposing of the present writ petition.



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5. Issue Nos.5 and 8 would read as follows respectively:

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5. Whether the Claimant is entitled for refund of amount of Rs.1,00,00,000/- (Rs.1 Crore) quantified as unauthorized withdrawal to the Current A/c of Kavi Hospital & Neuro Foundation and such other amounts as may be detected by proper Audit to be ordered by the Tribunal?

.....

8. Whether or not parties entitled for refund of the available amounts lying in balance with various banks, proportionate to their investment ratio as per the Auditor's report that may be obtained by the Tribunal through its orders?”

6. The learned Arbitrator has answered the above issues as follows:

“Though this Tribunal had declined to dissolve the firm as it was unregistered, yet it did not prevent the partners from seeking the accounts of the firm and later work out their rights in the manner known to law and also obtain the proper accounting and also to calculate the profits that may accrue to them as per their share. Until the balance sheet of the Hospital and Pharmacy is finalized and audited by a competent auditor, the amounts in the bank for a sum of Rs.3.7 Crores will continue to be frozen and only by taking orders from the Court, the same shall be released.”

7. Therefore, once an award has been passed to continue the freezing of the accounts with the condition that the same should be released only by order of the Court, the petitioner has rushed to file the present writ petition. The Court referred to above is the Court as contemplated under the Arbitration and Conciliation Act. Therefore, the invocation of the writ jurisdiction of this Court



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is absolutely misconceived. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes/No
Index : Yes/No
Rmk



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P.T.ASHA, J.

Rmk

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