

(2018) 04 UK CK 0094
In the Uttarakhand High Court
Case No : SPECIAL APPEAL No. 219 of 2018

MAHENDRA SINGH RANA

APPELLANT

Vs

MS RAI BARELY CONSTRUCTION AND OTHERS

RESPONDENT

Date of Decision : 27-04-2018

Acts Referred:

Constitution of India, — Article 21A, 162, 254

Right of Children to Free and Compulsory Education Act, 2009 — Section 23

Citation : (2018) 04 UK CK 0094

Hon'ble Judges : K.M. JOSEPH, C.J, SHARAD KUMAR SHARMA, J

Bench : Division Bench

Advocate : Sandeep Kothari, D.C.S. Rawat, Anil Kumar Joshi

Final Decision : Disposed Of

Judgement

K .M. Joseph, C.J.Â Â Â Â Â Â Â Â Â Â Â Â

1. Appellant is the party respondent in the writ petition. The writ petition was filed seeking the following reliefs:

â??(i) issue a writ, order or direc(cid:37)on in the nature of mandamus direc(cid:37)ng the respondent bank to open the func(cid:37)oning of account number

0570000000000405 of petitioner firm and allow the transactions through the same of the petitioner firmâ??s account.â??

2. Learned Single Judge disposed of the writ petition as follows:

Â â??Learned counsel for the respondent bank Mr. Anil Kumar Joshi has fairly submi(cid:49)ed that in case the pe(cid:37)(cid:37)oner moves a representa(cid:37)on

before the respondentbank, the same shall be considered by the respondentbank in accordance with law.Â

The writ petitioner stands disposed with the direction to the petitioner to move a representation before the respondent-bank within a period of

two weeks from the date of production of a certified copy of this order.

Â In case the petitioner moves such a representation before the respondent-bank, the same shall be considered by the respondent-bank by passing a speaking order therein in accordance with law, as expeditiously as possible.Â??

3. Feeling aggrieved, the party respondent is before us.

We heard Mr. Sandeep Kothari, learned counsel appearing on behalf of the appellant, Mr. D.C.S. Rawat, learned counsel appearing on behalf

of the writ petitioner / respondent no. 1 and Mr. Anil Kumar Joshi, learned counsel appearing on behalf of respondent nos. 2 and 3.

4. This is a case, where apparently, an Account was opened and, thereafter, on the complaint lodged by the appellant, the Bank decided to close the Account.

5. After hearing the learned counsel for the parties, we are of the view that the judgment of the learned Single Judge is to be modified and the

writ petitioner is to be relegated to approach the forum of Banking Ombudsman. Accordingly, we modify the judgment of the learned Single

Judge and dispose of the Appeal and the writ petitioner by directing that it will be open to the writ petitioner to avail the remedy before the

Banking Ombudsman.

6. Mr. D.C.S. Rawat, learned counsel for the writ petitioner would submit that the writ petitioner will approach the Banking Ombudsman

within a period of one week from today.

7. We direct that the Banking Ombudsman will take a decision in the matter within a period of six weeks in accordance with law, affording an opportunity to the affected parties, including the appellant.

8. Let a certified copy of this order be issued today itself.