

A.M. James vs the Chief Manager Indian Overseas Bank Ltd

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Court : Kerala

Decided On : Jul-31-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/7371/2023

Appellant : A.M. James

Respondent : The Chief Manager Indian Overseas Bank Ltd

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
MONDAY, THE 31ST DAY OF JULY 2023 / 9TH SRAVANA, 1945
WP(C) NO. 7371 OF 2023 PETITIONER: A.M. JAMES AGED 62 YEARS
S/O. A.O.MATHAI, ANAMTHURUTHI HOUSE, IRUMBANAM P.O.,
CHITHRAPPUZHA, ERNAKULAM-682 309, PROPRIETOR OF KERALA
BACKWATER NAVIGATION COMPANY, IRUMBANAM P.O.,
CHITHRAPPUZHA, ERNAKULAM-, PIN - 682309 BY ADVS.
P.SATHISAN DONA AUGUSTINE RESPONDENTS:

1 THE CHIEF MANAGER, INDIAN OVERSEAS BANK LTD CENTRAL
OFFICE ADDRESS: 763, ANNA SALAI, CHENNAI, PIN - 600002 2 THE

BRANCH MANAGER, INDIAN OVERSEAS BANK LTD IOB BUILDING,
NEAR KAVITHA THEATRE, MG ROAD, ERNAKULAM, KERALA-, PIN -
682035 3 TRANSUNION CIBIL LTD ONE INDIABULLS CENTRE,
TOWER 2A-2B,19TH FLOOR, SENAPATI BAPAT MARG, LOWER
PAREL, MUMBAI, MAHARASHTRA, INDIA., REP. BY AUTHORISED
OFFICER, PIN - 400013 BY ADVS. SUNIL SANKAR.P. SUNIL
SHANKAR A C.AJITH KUMAR VIDYA
GANGADHARAN(K/000424/2020) SANDHRA.S(K/001610/2021)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31.07.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

P.V.KUNHIKRISHNAN, J.

----- Dated this the
31st day of July, 2023

JUDGMENT

The above writ petition is filed with the following prayers;

i. Issue a writ of mandamus or such other writ or direction directing respondents 1 and 2 to ensure the correction /rectification /modification of endorsement in the portal with 3rd respondent about the status of loan account number 002403380700001 & 002403260700004 of petitioner recording full and final settlement as per Exhibit P1 immediately after effecting due correction of present endorsement suit filed / will full default, ii. Issue a writ of mandamus or such other writ or direction directing 3rd respondent to effect the necessary correction /rectification/ modification in web portal / utility service site maintained by 3rd respondent effecting necessary correction showing the accounts of petitioner with respondents 1 and 2

as fully and finally settled as per Exhibit P1, within 15 days, iii. Issue a writ of mandamus or such other writ or direction directing respondents 1 and 2 to pay the petitioner a sum of Rs.10 lakh towards compensation for imparting wrong information in the public domain maintained by 3rd respondent, without effecting due correction in the web portal of 3rd respondent in spite of full and final settlement as per Exhibit P1 as on 15.6.2020, I iv. It is humbly prayed that this Honble Court may be pleased to dispense with filing of the translation of vernacular documents, v. Grant such other writs or directions which this Honble Court may find deem fit and proper in the circumstances of the case and, vi. Award costs of the proceedings to petitioner from respondents 1 and 2.

2. When this Writ Petition came up for

consideration, the learned counsel appearing for the 1st and 2nd respondent submitted that the necessary corrections are carried out in the CIBIL account. It will be better to extract paragraph No.4 of the counter affidavit filed by the 2nd respondent. 4. It is submitted that pursuant to the notice dated 17.01.2023(Ext.P4), these Respondents intimated the 3rd Respondent of the details and the status of the credit facility was changed to settled. A true copy of the CIBIL report dated 24.07.2023 is produced herewith and marked as Exhibit R2(a). It is submitted that in view of the waiver involved, the account can only be shown as settled. Despite the said correction, the above writ petition has been filed.

3. The counsel appearing for the petitioner

submitted that, no further order is necessary in this case. If that be the case, this writ petition can be closed. Therefore, recording paragraph No.4 of the counter affidavit of the 2nd respondent, this writ petition is closed. Sd/- P.V.KUNHIKRISHNAN nvj JUDGE APPENDIX OF WP(C) 7371/2023 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE LETTER DATED 15.06.2020 SUBMITTED BY THE 1ST & 2ND RESPONDENT EXHIBIT P2 TRUE

COPY OF THE PRINT OUT OF THE RELEVANT PORTAL EXTRACT OF PETITIONER WITH 3RD RESPONDENT DATED 21.01.2023 EXHIBIT P3 TRUE COPY OF REQUEST LETTER DATED 01.10.2021 TO RESPONDENTS 1&2 OF PETITIONER TO CORRECT THE ENDORSEMENT IN THE CIBIL PORTAL EXHIBIT P4 TRUE COPY OF THE NOTICE DATED 17.01.2023 EXHIBIT P4(A) TRUE COPY OF THE POSTAL RECEIPT OF EXHIBIT P4 EXHIBIT P5 TRUE COPY OF THE RELEVANT EXTRACT OF

THE LATEST CIBIL PORTAL ENDORSEMENT IN RELATION TO THE LOAN WITH THE BANK, OF THE PETITIONER DATED 23.06.2023 RESPONDENT EXHIBITS EXHIBIT R2(A) TRUE COPY OF THE CIBIL REPORT DATED 24.07.2023 RESPONDENTS EXHIBITS :NIL //TRUE COPY// PA TO JUDGE

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