

**Written statement to be denied on behalf of the bank in the
above complaint**
BEFORE THE HON'BLE DISTRICT CONSUMER FORUM, MEERUT

Consumer Complaint No. 176 of 2010

XYZComplainant
V
ABC Bank Ltd.
.....Opposite Party

Sir,

The above Opposite Party submits reply as under:

- (1) That the contents of paragraph 1 to 5 of the complaint are admitted.
- (2) That the contents of paragraph 6 of the complaint are denied that the cheque Nodatedfor Rs. 25,000 drawn in favour of Shriwas not issued by the Complainant. It is submitted that the said cheque was issued by the Complainant himself and the cheque Nohas been issued to the Complainant along with 9 (nine) other cheques. The Complainant used 9 cheques out of the said cheque book and got another cheque book issued onand the 10th cheque has been issued now which is in dispute.
- (3) That with reference to para 7 of the complaint, it is admitted that the Complainant approached the Branch Manager of the Opposite Party and wanted to see the cheque, datedfor Rs. 25,000 and the Branch Manager shown the said cheque to the Complainant. Rest of the allegations made in the said paragraph are denied.
- (4) That the contents of para 8 of the complaint are admitted to the extent that the Complainant sent notice, datedthrough his Advocate Shri It is denied that no reply was given to the said notice. The said notice was replied to ShriAdvocate vide ShriAdvocate, Bank's Advocate. The copy of the reply sent by Bank's Advocate Shriis enclosed herewith to this reply and marked as Annexure 1.
- (5) That the contents of para 9 of the complaint are denied. There is no deficiency on the part of the bank. The specimen signatures of the complainant recorded with the bank were compared with the signature on the cheque and the signature on the cheque Nodatedfor Rs. 25,000 drawn in favour of Shriresembled with the signature kept on record. There is no negligence on the part of the bank. It is also denied that the Complainant has

incurred a loss of Rs.25,000 due to deficiency in service by the bank.

(6)That with reference to para 10 of the complaint, it is denied that any cause of action has arisen to file this complaint against the bank

(7)That the contents of para 11 of the complaint are denied. The complainant is not entitled to any compensation from this opposite party. The claim is misconceived, frivolous, vexatious and filed for ulterior motive. The claim made by the Complainant is not maintainable and liable to be dismissed with costs.

(8)That the contents of para 12 of the complaint are strongly denied. It is denied that the complainant is entitled to the loss and compensation from this opposite party. This Opposite Party does not admit the claims made by the Complainant or any part of the same. It is submitted that the claims of the Complainant are liable to be dismissed with cost as being misconceived, frivolous, vexatious and filed for ulterior motives.

(9)That with reference to para 13 of the complaint, it is denied that any cause of action has arisen to file this complaint and this Forum has the jurisdiction to try this complaint against this Opposite party.

(10)That with reference to para 14 of the complaint, it is denied that any cause of action has arisen to file this complaint and therefore there is no question of filing this complaint within the limitation period.

(11)That with reference to para 15 of the complaint, it is denied that the Complainant is entitled to the reliefs as claimed or any other relief from this Forum. The complaint is liable to be dismissed with costs.

It is therefore prayed that the complaint be dismissed with costs.

For ABC Bank Ltd.,
Opposite Party
Place
of
Dated
Signatory

By the hands

Authorised

Through

.....
.....

Advocate

Verification

Is/oWorking as Branch Manager, ABC Bank Ltd
.....Branch And the principal officer and authorized
attorney of the Opposite Party Bank hereby state on solemn affirmation that the
contents of para 1 toof this reply are true to my personal knowledge
and belief and on the basis of records which I believe to be true, the contents of
paratoare based on legal advice which I believe to be
true and the contents of paraare my submissions to this Hon'ble
Forum.

Verified on thisday of2010 Signed aton this
.....day of 2010.

Principal Officer