

PRESIDENT'S SECRETARIAT (PUBLIC)  
AIWAN-E-SADR

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**Rep.No.98/BM/2022**  
**Date of Decision:20.01.2023**

*Syeda Imtiaz Begum* VS *Meezan Bank Ltd*

**Subject: REPRESENTATION FILED BY SYEDA IMTIAZ BEGUM AGAINST THE ORDER OF THE LEARNED BANKING MOHTASIB DATED 28.03.2022 IN COMPLAINT NO. 2021-13624**

Kindly refer to your representation on the above subject addressed to the President in the background mentioned below:-

This representation has been filed by Syeda Imtiaz Begum on 27.04.2022 against the order of the learned Banking Mohtasib dated 28.03.2022, whereby it has been held that:

**“Please be informed that as per Section 82D of the Banking Companies Ordinance, 1962, the Banking Mohtasib cannot entertain any complaint the subject matter of which is already pending in any court or legal forum. Thus, in the wake of the facts, circumstances and the documents presented by you and the Bank, the complaint is not entertainable at our end.**

**In view of above, Hon'ble Banking Mohtasib Pakistan has directed to close the complaint and convey it to you accordingly.”**

2. Syeda Imtiaz Begum (the complainant) an aged (85 years old) woman has been maintaining her account with the Meezan Bank Ltd (MBL)'s Bhowana Bazar Branch Faisalabad. The complaint was filed by her son Syed Nayyar Abbas Mohsin having Special Power of Attorney. It has been alleged that her account had been blocked by the Bank and was dormant for more than two years. She had requested the Bank to unblock the said account so that she could utilize the funds amounting to PKR 5.600 million held in her account. Being a very old lady, she could not visit the Bank frequently so she made numerous requests to the Bank for removing dormancy of the account and made it operational but without any result. Thus, she escalated her complaint with the learned Banking Mohtasib for redressal of her grievance.

3. The Bank's stance before the learned Banking Mohtasib was that there was a family dispute between the four sons of the accountholder. On 24-11-2017, one of her son namely Syed Nayyar Abbas Mohsin visited the Branch and presented 2 cheques of the accountholder's account i.e. Cheque No. A52500508 amounting to PKR.4,000,000/- and Cheque No. A52500511 amounting to PKR.8,000,000/-. As cheques were of huge amount, the Bank contacted the Call Back Confirmation (CBC), which was not confirmed. Later on, Syed Nayyar Abbas Mohsin (son) came to the Bank alongwith the accountholder (his mother), where the officials of the Bank asked the accountholder about encashment of said cheques. However, she became confused and requested not to encash said cheques. Thus, the Bank returned the cheques with reason "insufficient mandate". Thus, Syed Nayyar Abbas Mohsin (son), Syed Mehdi Abbas (son) and Syedah Imtiaz Begum (accountholder) had filed a Civil Suit before the Civil Court, Faisalabad against the Bank on the issue of non-encashment of the said cheques.

4. Considering the respective stances, the learned Banking Mohtasib proceeded to close the complaint which is assailed by the complainant.

5. The hearing of the case was fixed for 03.01.2023. Syed Mehdi Abbas Naqvi has appeared on behalf of the complainant, whereas, Mr. Shah Jahan, Law Officer and Mr. Chamman Ali Abbasi, Advocate have represented the Bank.

6. The learned Banking Mohtasib without processing the complaint and hearing the complainant dealt with the matter as follows:-

*“Upon taking up the matter, Meezan Bank has informed that there is a family dispute between the four sons of the Account Holder. On 24-11-2017 one son of the Account Holder namely Syed Nayyar Abbas Mohsin visited the Branch and presented 2 cheques of the Account Holder's account i.e. Cheque No. A52500508 amounting to PKR.4,000,000/- and Cheque No. A52500511 amounting to PKR.8,000,000/-. As cheques were of huge amount, the branch conducted the Call back Confirmation (CBC), which was not confirmed. Syed Nayyar Abbas Mohsin.(son) came to the branch along with the Account Holder,(mother), where the officials of the Bank asked the Account Holder about said cheques for payments and on inquiry she was confused and requested not to encash said cheques, thus Bank returned the cheques with reason "insufficient mandate". The Bank has also informed this forum that Syed Nayyar Abbas Mohin (son), Mehdi Abbas (son) and Syedah Imtiaz Begum (Account Holder) have filed a civil suit before Civil Court, Faisalabad against the Bank on the issue of non-encashment of the said cheques.*

7. Leaving aside the subject matter of Suit pending before the Court, which is about recovery of damages and clear stance that there is no dispute inter se the mother and her sons, the balance amount as per account's statement issued by the Bank today i.e. 03.01.2023, the closing balance is Rs.5,987,782.66 about which there is no clog on withdrawal of the same by the accountholder. Since, the accountholder herself is alive, there can be no justification for imposing dormancy on the account. The accountholder as and when wishes to make transaction/withdrawal will be at liberty to do so without any hindrance by the Bank. In such circumstances of the case, the representation is liable to be disposed of accordingly by modifying the order of the learned Banking Mohtasib.

8. Accordingly, the Hon'ble President, as per his decision above, has been pleased to dispose of the representation of the complainant.

-Sd-  
(Anwar-ul-Haq)  
Director General (Legal)

Syeda Imtiaz Begum,  
w/o Syed Sadiq Raza,  
Hilmi House No. 9, Block-C, Gulberg Colony, Faisalabad.

The President/Chief Executive,  
Meezan Bank Limited,  
Head Office at Meezan House C-25, Estate Avenue S.I.T.E, Karachi

Copy for information to:

1. Ms. Samreen Tanveer, PSO to Banking Mohtasib Pakistan, Banking Mohtasib Pakistan Secretariat, 5<sup>th</sup> Floor Shaheen Complex, M.R. Kiyani Road, Karachi.
2. The Bank Manager, Meezan Bank Ltd, Bhowana Bazar Branch, Faisalabad. 0333.6535936, 041.2633048
3. Master file.

-Sd-  
(Anwar-ul-Haq)  
Director General (Legal)

