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Rev.Appl.No.6 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

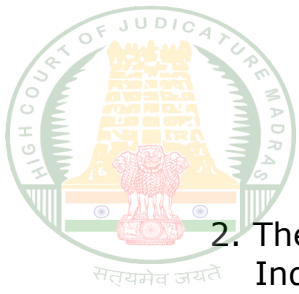
REV. APPL. No.6 of 2026

1. Lucky Footwear Components
Rep. by its Partner, V.Asalam Basha,
Plot.Nos.285-288, S.F.No.115 and 116,
Thuthipet Village, Ambur Taluk,
Tirupattur - 635 802.
2. V.Tabraze Basha
S/o.V.Ahmed Basha,
No. 6, Oomer Road, 2nd Lane,
Ambur Taluk, Tirupattur - 635 802.
3. V.Asalam Basha
S/o.V.Ahmed Basha
No. 6, Oomer Road, 2nd Lane,
Ambur Taluk, Tirupattur - 635 802.

Applicant(s)

Vs

1. The Authorized Officer
Indian Bank, 21/11, Oomer Road,
Ambur Taluk, Tirupattur District.



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2. The Manager
Indian Bank, 21/11, Oomer Road,
Ambur Taluk, Tirupattur District.

3. Amarnath Reddy
No.13, Pavadai Thoppu, 2nd Street,
Murugan Theater Near, Krishnapuram,
Ambur – 635802.

Respondent(s)

PRAYER: Review Petition filed under Section 114 read with Order 47 Rules 1 and 2 of the Civil Procedure Code to review the order dated 29.10.2025 passed in C.R.P.No.5237 of 2025.

For Applicant(s): Mr.I.Saravana Kumar
for M/s.McGAN Law Firm

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This review application has been filed seeking a review of the order dated 29.10.2025 passed by in C.R.P.No.5237 of 2025. By the said order, this Court, exercising its supervisory jurisdiction under Article 227 of the Constitution of India, dismissed the revision petition filed by the applicants. In doing so, this court upheld the order of the Debt Recovery Appellate Tribunal (DRAT), which had confirmed the dismissal of the Securitisation Application (SA) filed



by the applicants regarding auction proceedings conducted by the respondent/bank.

2. Before analyzing the grounds raised by the applicants, it is essential to outline the legal principles governing review jurisdiction under Section 114 read with Order 47 Rule 1 of Civil Procedure Code. The Supreme Court in the case of *Malleeswari v. K.Suguna and another*¹, after referring to a catena of decisions, held thus:

*"15. It is axiomatic that the right of appeal cannot be assumed unless expressly conferred by the statute or the rules having the force of a statute. The review jurisdiction cannot be assumed unless it is conferred by law on the authority or the Court. Section 114 and Order 47, Rule 1 of CPC deal with the power of review of the courts. **The power of review is different from appellate power and is subject to the following limitations to maintain the finality of judicial decisions:***

15.1 The review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of CPC

¹ 2025 INSC 1080



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[Meera Bhanja v. Nirmala Kumari Choudhury, (1995) 1 SCC 170].

15.2 Review is not to be confused with appellate powers, which may enable an appellate court to correct all manner of errors committed by the subordinate court [Aribam Tuleshwar Sharma v. Aribam Pishak Sharma, (1979) 4 SCC 389].

15.3 In exercise of the jurisdiction under Order 47 Rule 1 of CPC, it is not permissible for an erroneous decision to be reheard and corrected. *A review petition, it must be remembered, has a limited purpose and cannot be allowed to be an appeal in disguise [Parsion Devi v. Sumitri Devi, (1997) 8 SCC 715].*

15.4 The power of review can be exercised for the correction of a mistake, but not to substitute a view. Such powers can be exercised within the limits specified in the statute governing the exercise of power [Lily Thomas v. Union of India, (2000) 6 SCC 224].

15.5 The review court does not sit in appeal over its own order. A rehearing of the matter is



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impermissible. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered [Inderchand Jain v. Motilal, (2009) 14 SCC 663]. Hence, it is invoked only to prevent a miscarriage of justice or to correct grave and palpable errors [Shivdev Singh v. State of Punjab, AIR (1963) SC 1909].

16. To wit, through a review application, an apparent error of fact or law is intimated to the court, but no extra reasoning is undertaken to explain the said error. The intimation of error at the first blush enables the court to correct apparent errors instead of the higher court correcting such errors. At both the above stages, detailed reasoning is not warranted.

17. Having noticed the distinction between the power of review and appellate power, we restate the power and scope of review jurisdiction. Review grounds are summed up as follows:

17.1 The ground of discovery of new and important matter or evidence is a ground available if it is demonstrated that, despite the exercise of due diligence, this evidence was not within their



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knowledge or could not be produced by the party at the time, the original decree or order was passed.

17.2 Mistake or error apparent on the face of the record may be invoked if there is something more than a mere error, and it must be the one which is manifest on the face of the record [Hari Vishnu Kamath v. Syed Ahmad Ishaque, (1955) 1 SCR 1104]. Such an error is a patent error and not a mere wrong decision [T.C. Basappa v. T. Nagappa, AIR (1954) SC 440]. **An error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record** [Satyanarayan Laxminarayan Hegde v. Mallikarjun Bhavanappa Tirumale, AIR (1960) SC 137].

17.3 Lastly, the phrase 'for any other sufficient reason' means a reason that is sufficient on grounds at least analogous to those specified in the other two categories [Chhajju Ram v. Neki, 1922 SCC OnLine PC 11 and approved in Moran Mar Basselios Catholicos v. Mar Poulouse Athanasius, AIR (1954) SC 526].



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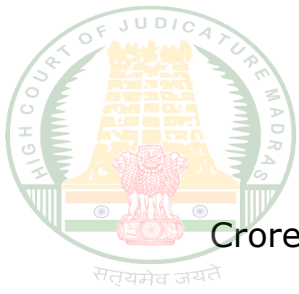
18. Courts ought not mix up or overlap one jurisdiction with another jurisdiction..."

[emphasis supplied]

3.1. Learned counsel for the applicants submitted that the loan account of the applicants was declared as SMA-2 on 29.02.2020 and, subsequently, classified as an NPA on 01.09.2020 by including the moratorium period. It is submitted that this violated directions of the Supreme Court in W.P.(C) No.825 of 2020 regarding NPA classifications during the Covid-19 pandemic. It is further stated that the applicants deposited Rs.3,43,348/- on 07.09.2020 to regularize the account.

3.2. It is further submitted that there is a variance of Rs.7,24,754/- between the bank's demand notice and a computation sheet prepared by a Chartered Accountant.

3.3. It is also submitted that the applicants rely upon a valuation report from another approved valuer who estimated the property value at Rs.1.33 Crore and distressed sale value at Rs.1.06



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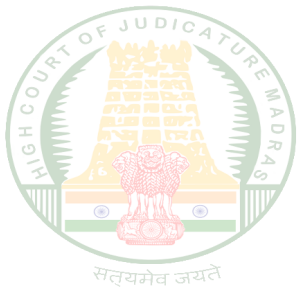
Crore, as against the reserve price of Rs. 75 Lakhs fixed by the respondent/bank.

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3.4. It is argued that the respondent/bank accepted payments towards loan liability between December 2021 and August 2022, even after issuing the sale certificate.

4. We have carefully considered the aforesaid submissions in light of the order dated 29.10.2025 and the statutory boundaries of Order 47 Rule 1 CPC.

5. A bare perusal of the order dated 29.10.2025 reveals that every challenge raised by the applicants was thoroughly evaluated and answered on merits. Paragraphs 14 to 16 of the order, of which review is sought, specifically dealt with the challenge to NPA classification and eligibility for additional Covid-19 credit facilities. The court noted that the applicants were classified under the SMA-2 category prior to the relevant relief policies, rendering them ineligible under bank rules.



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6. Paragraphs 11 to 12.1 of the order sought to be reviewed dealt with the valuation of the property. This court held that the bank relied on a valuation report by a valuer registered under Section 34AB of the Wealth-Tax Act, 1957, which was properly accepted by the Tribunal over unapproved or private surveyor reports.

7. Paragraphs 8, 8.1 and 17 of the order explicitly considered the applicants' post-auction payments and willingness to pay balance dues. Applying the Supreme Court decision in *Celir LLP v. Sumati Prasad Bafna and others*², this Court held that auction sales concluded in favor of third-party purchasers cannot be set aside on belated offers of redemption absent fundamental fraud or collusion.

8. The applicants have failed to point out any mistake or patent error appearing on the face of the record. The grounds urged in the review petition seek a fresh re-hearing of the case on merits by re-arguing points of fact and law. As held in *Malleeswari* (supra),



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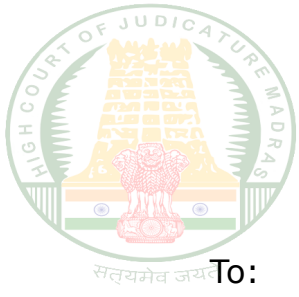
a review petition cannot serve as an appeal in disguise or a mechanism to substitute a settled judicial view.

9. The grounds presented by the applicants fall entirely outside the scope of Order 47 Rule 1 of the CPC. There is no error apparent on the face of the order dated 29.10.2025, nor has any new evidence been brought forward that could not have been produced earlier with due diligence.

10. The review application is, therefore, dismissed. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
22.07.2026

Index : Yes/No
Neutral Citation : Yes/No
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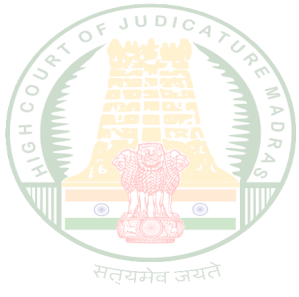


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