

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.03.2019

CORAM:

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

Review Application (Writ) No.53 of 2019
against W.P.No.26363 of 2018

Mohammed Rafi

.. Petitioner

Vs.

1.The Authorized Officer,
Cholamandalam Investment and
Finance Company Limited,
1st Floor, Dare House,
No.2, NSC Bose Road,
Chennai - 600 001.

2.The Registrar,
Debt Recovery Appellate Tribunal,
4th Floor, Indian Bank Circle Office,
55, Ethiraj Salai,
Chennai - 600 008.

.. Respondents

Review Petition filed under Order 47 Rule 1 and Section 114 of the
Civil Procedure Code against the order dated 28.11.2018 made in
W.P.No.26363 of 2018

For Review Applicant : Mr.V.Giri Shankar

ORDER

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

This Court, by order dated 28.11.2018, dismissed the Writ Petition in W.P.No.26363 of 2018 with costs of Rs.3,000/-.

2.In the affidavit filed in support of the Writ Petition, the petitioner has not uttered a single word with regard to the possession handed over to him on 12.09.2018 by the 1st respondent which is a clear suppression of material fact by the petitioner. When this was pointed out to the learned counsel for the petitioner, the learned counsel submitted that the petitioner was willing to vacate the premises in six weeks time and that he would file an affidavit of undertaking before this Court. Accordingly, while dismissing the Writ Petition, we granted six weeks time to the petitioner and the petitioner has also filed an affidavit of undertaking before this Court. Now, the petitioner has filed the above Review Application to review the order passed in the Writ Petition.

3.The only contention now raised by the learned counsel for the petitioner is that this Court could have given liberty to the petitioner to file

a better affidavit in the Writ Petition and therefore, an opportunity may be given to the petitioner to file a better affidavit and argue the matter afresh now.

4. Since this Court has considered the submissions made by the learned counsel appearing for the petitioner based on the available pleadings, the submission now made by the learned counsel for the petitioner cannot be accepted. The petitioner is not expected to file better affidavit after this Court pointing out the suppression of material fact by him in the affidavit filed in support of the Writ Petition. That apart, the petitioner is not in a position to point out any error apparent on the face of the record warranting interference in the Review Application. The Review Application is devoid of merits and the same is liable to be dismissed. Accordingly, the Review Petition is dismissed. No costs.

सत्यमेव जयते

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Internet : Yes
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(V.K.T., CJ.) (M.D., J.)
20.03.2019

THE HON'BLE CHIEF JUSTICE
AND
M. DURAISWAMY,J.

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