

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Review Application (Writ) No.76 of 2021

R.Jayanthi

.. Petitioner

-VS-

1.The Authorized Officer,
Asset Recovery Branch,
Union Bank of India,
No.816, Oppanakara Street,
Coimbatore 641 001

2.M/s.ES.R.ES Mills,
rep. By its Proprietor,
S.R.Shanmugam

3.V.Eswaramoorthy

.. Respondents

Prayer: Application filed under Section 114 read with Order 47 Rule 1 of C.P.C. to review the order passed in W.P.No.661 of 2021 dated 25.03.2021 on the file of this court.

For Petitioner

:

Mr.P.M.Duraiswamy

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

The petitioner seeks to reopen a matter that was concluded by an order dated March 25, 2021. The petition was dismissed with costs upon this Court finding that there was no merit in the petition.

2. The present mischievous attempt is fashioned on the ground that the petitioner perceives that the secured creditor perpetrated fraud. Merely because the petitioner may perceive that the secured creditor resorted to fraudulent practice or methods, may not be a good ground for reviewing the previous order. At any rate, allegations of fraud call for an adjudication that may not be conveniently concluded on affidavit evidence in summary proceedings. Ordinarily, the petitions under Article 226 of the Constitution are dealt with on affidavit evidence and in a summary manner.

3. The grounds urged earlier by the petitioner were taken into consideration, including as to whether a particular document had been issued or received. Since no conclusive finding could be rendered on

such aspect of the matter, the order dated March 25, 2021 recorded as such.

4. Indeed, the substance of the review petition and the grounds urged convey a sense that the order dated March 25, 2021 may have been erroneous and this court may not have taken up the adjudication on the issues in an appropriate manner.

5. An unsuccessful litigant is perfectly justified in perceiving that the matter may not have been appropriately dealt with or that the order passed on his petition may have been erroneous. However, in such a situation, the remedy of the litigant is to carry the matter to a superior forum in the event an appeal or revision or the like lies. Review petitions are entertained on very limited grounds. In the event there is any error apparent on record or if there is any factual aspect which could not be brought to the notice of the court at the first instance on account of some genuine disability on the part of the petitioner, a review may be sought. Though there is another ground that permits a review to be carried where injustice may have been occasioned to the review petitioner, but such ground has to be read in

consonance with the general authority to review which does not admit of a fresh consideration, but only a re-consideration.

6. For the reasons indicated above, whatever genuine grievance the petitioner may carry against the order dated March 25, 2021, the same cannot be addressed at this level since no ground for review is made out. Accordingly, Review Petition No.76 of 2021 is dismissed. There will be no order as to costs. It is hoped that the costs in terms of the original order have been tendered. Consequently, W.M.P.Nos.11909 and 11910 of 2021 are closed.

(S.B., C.J.)

(S.K.R., J.)

22.07.2021

Index : yes/no

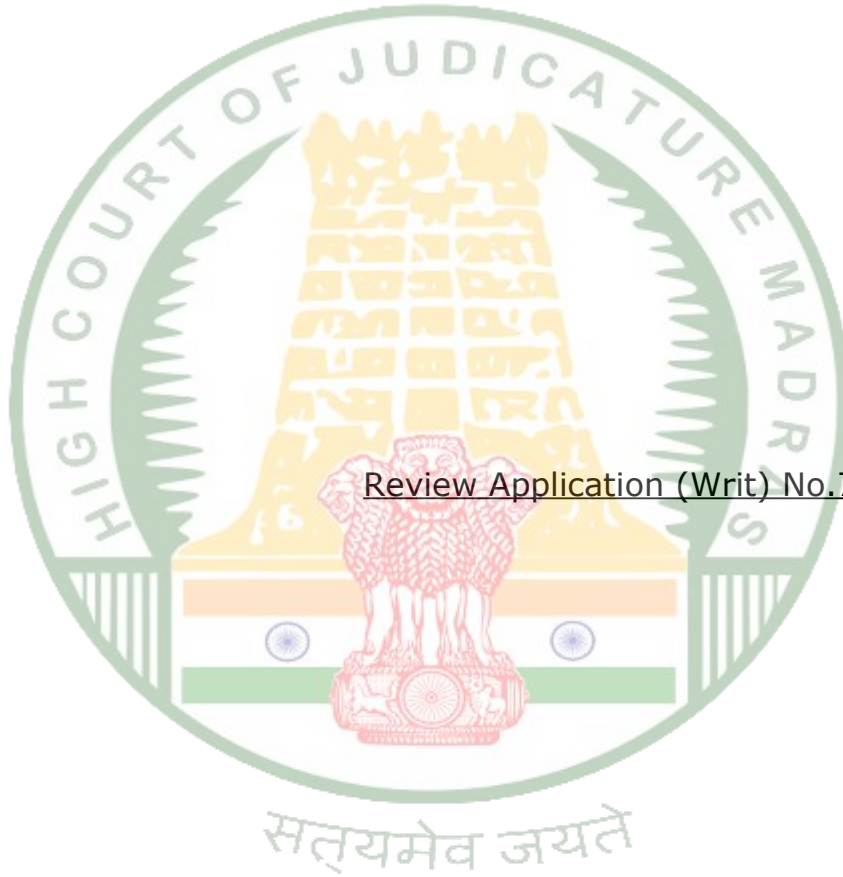
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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY, J.

(sra)



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