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REV.APLW.No.172 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

REV.APLW.No.172 of 2011

and

M.P.No.1 of 2011

1.The Branch Manager,
Indian Overseas Bank,
Manalmedu
Mayiladuthurai
Nagapattinam District.

2.The Manager,
(Educational Loan Section)
Zonal Office,
Indian Overseas Bank,
Nagapattinam.

... Applicants

Vs.

Subramanian

... Respondent

Prayer: Review Application filed under Order XLVII Rule 1 read with Section 114 of Civil Procedure Code, to review the order dated 25.11.2011 in W.P.No.15702 of 2011 on the file of this Court.

For Applicants

: Mr.F.B.Benjamin George



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ORDER

The revision application is filed to review the order dated 25.11.2011 passed in W.P.No.15702 of 2011, wherein the respondent herein approached the Court for a direction to the 1st respondent therein, to consider his application for grant of educational loan. This Court passed final orders directing the review applicants to sanction the loan and the writ petition was disposed of with a direction to pay the cost from the personal fund of the respondent in the writ petition.

2. The learned counsel for the review applicants made a submission that even before passing orders in the writ petition by this Court on 25.11.2011, the educational loan was sanctioned in favour of the respondent and he has given a letter to the Manager of Indian Overseas Bank, Manalmedu Branch on 19.11.2011, stating that the respondent had received the education loans and his grievances are settled and therefore, the Bank may produce the letter before the High Court for the purpose of closing the writ petition.



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3. The learned counsel for the review applicants made a submission that the Court passed an order on account of the fact that the learned counsel for the review applicants failed to appear before this Court on the date of hearing of the writ petition on 25.11.2011 and the orders sought to be reviewed also reveals that there was no appearance for the respondents. On account of the said non-appearance, the review applicants were not in a position to submit the letter dated 19.11.2011 given by the respondent herein stating that his grievances were redressed by the Bank Authorities.

4. It is a mistake committed by the learned counsel for the review applicants / Bank and the orders passed by this Court is affecting the service prospects of the officials of the Bank, since cost has been imposed and directed to be paid from the personal funds of the Bank Officials.

5. This Court is of the considered opinion that the mistake of learned counsel for the review applicants / Bank need not affect the service prospects of the Bank Officials, since they were not at fault. If at all the letter could have been produced before this Court, the issues could have been settled on that day itself. Therefore, the Bank Authorities need not be penalised



unnecessarily on account of the orders passed by this Court, recording that there was no appearance for the respondents.

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6. Considering the fact that the issue was settled even prior to the hearing the writ petition on 25.11.2011, the said order passed in W.P.No.15702 of 2011 is to be reviewed. Accordingly, the said order stands set aside and the Review Application No.172 of 2011 is allowed and the writ petition stands closed. No costs. Consequently, connected Miscellaneous Petition is closed.

12.04.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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S.M.SUBRAMANIAM, J.

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