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Rev Apl W(MD)No.42 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2023

CORAM

**THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**Rev Apl W(MD)No.42 of 2022 and
W.M.P.(MD)No.10106 of 2022**

- 1.The Authorized Officer,
Repco Home Finance Limited,
No.96, 2nd Floor,
Alagar Kovil Main Road,
Opposite to American College,
Thallakulam,
Madurai, Madurai District.
- 2.The Branch Manager,
Repco Home Finance Limited,
No.26, ARR Complex,
Devipattinam Road,
Kenikara, Ramanathapuram District.

... Applicants / Respondents

vs.



Rev Apl W(MD)No.42 of 2022

WEB COPY

C.Annadurai Ravidran

... Respondent / Petitioner

Review Application is filed under Section 114 and Order 47 Rule 1 of C.P.C. to review as against the aggrieved portion of observation made in W.P. (MD)No.10070 of 2022, dated 19.05.2022, by this Court.

For Applicants : Mr.B.Rajesh Saravanan
For Respondent : Mr.D.Balamurugapandi

ORDER

(Order of the Court was made by S.SRIMATHY,J.)

This review application is filed against the order passed in W.P. (MD)No. 10070 of 2022, dated 19.05.2022,

2. The writ petition was filed inter alia praying for writ of Certiorari to quash the order passed by Judicial Magistrate in Cr.M.P.No.280 of 2021 dated 22.11.2021. After hearing the rival submissions, this Court directed the writ



Rev Apl W(MD)No.42 of 2022

WEB COPY

petitioner to pay Rs.2,00,000/- (Rupees Two Lakhs only) on or before 30.05.2022. On such payment, the impugned Section 14 order was stayed. As far as the balance amount is concerned, this Court directed the respondent Bank to reschedule the EMI. It is submitted that the writ petitioner had paid Rs.2,00,000/- (Rupees Two Lakhs only) and had complied with the order.

3. As far as Rs.8,77,674/- (Rupees Eight Lakh Seventy Seven Thousand Six Hundred and Seventy Four only) is concerned, the respondent Bank has filed this review application stating that rescheduling the balance amount cannot be entertained, since this Court has no jurisdiction to reschedule the EMI. If the parties are entering into a contract, any rescheduling should be based on the consensus of the parties and the terms of contract cannot be rewritten by Courts. Hence, the Bank has filed review application to review the order.

4. In order to resolve the issue between the parties, this Court again



WEB COPY

Rev Apl W(MD)No.42 of 2022

attempted for compromise and directed the writ petitioner to pay a further sum of Rs.2,00,000/- (Rupees Two Lakhs only) on or before 03.11.2023. The writ petitioner has not paid the balance amount. Therefore, this Court is not considering the plea of the writ petitioner and consequently, the review application ought to be allowed. The writ petitioner can approach appropriate authority or forum for remedy, if so advised. The review applicant is at liberty to proceed as per law.

5. Therefore, the review application is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(A.Q.,J.) (S.S.Y.,J.)
06.11.2023

Index : Yes / No
Internet : Yes
NCC : Yes / No
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WEB COPY



Rev Apl W(MD)No.42 of 2022

ABDUL QUDDHOSE,J.
and
S.SRIMATHY,J.

Tmg

Rev Apl W(MD)No.42 of 2022

06.11.2023