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Review Application No.221 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

Review Application No.221 of 2024

and

C.M.P.No.16357 of 2024

IndusInd Bank Ltd.,
Rep. by its Manager,
No.3, Village Road,
Nungambakkam,
Chennai – 600 034.

... Appellant

Vs.

1.Siva Kumar

2.Surya Exports and Imports,
A Firm Rep. by its Proprietor,
Mr.N.Surya Srinivas, S/o. Bhaskara Rao,
Flat No.15, Rams Flats,
Second Floor, New No.5,
Old No.2-A, Madhavan Nair Road,
Mahalingapuram, Chennai – 600 034.

3.Indian Bank,
Rep. by its Assistant Regional Manager,
W-100, II Avenue, Anna Nagar,
Chennai – 600 040.

... Respondents



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Prayer: Review Application filed under Order XLVII Rule 1 read with Section 114 of the Code of Civil Procedure to review the order dated 03.01.2024 passed in OSA(CAD)No.57 of 2023 and CMP.No.12610 of 2023.

For Appellants : Mr.S.Mukund,Senior Advocate for
Mr.R.Baratkumar.

ORDER

*(Judgment of the Court was made by **R.SUBRAMANIAN, J.**)*

Review of the judgment in O.S.A.(CAD)No.57 of 2023 is sought for on the ground that there is no acceptance of letter of credit by the review petitioner.

2. The review petitioner neither filed written statement nor let in any evidence. Based on the evidence available, the Commercial Division as well as the Commercial Appellate Division have come to the conclusion that the document in question is a letter of credit and that was accepted, which will fall within Section 37 of the Negotiable Instruments Act.



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3. The learned Senior Counsel appearing for the review petitioner would however invite us to re-examine the position, which we cannot do considering the scope of review. We therefore do not find any error in the face of the record to entertain the review application. The review application is therefore **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M., J.) (R.S.V., J.)
31.07.2024

dsa
Index : No
Internet : Yes
Neutral Citation : No
Speaking order



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and
R.SAKTHIVEL, J.

dsa

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