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Review Appln.(Writ) No.191 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. B.BALAJI

Rev.Appln.(writ) No.191 of 2024

Mrs. Sumaiya Parveen

... Review Petitioner

Vs.

1. The Branch Manager,
Central Bank of India, Choolai Branch,
No.140,Vepery High Road,
Chennai 600 003.

2. The Regional Manager,
Central Bank of India, Zonal Office, 48/49,
Red Cross Road, Egmore,
Chennai 600 008.

... Respondents

Prayer: Review Application filed under Order 47 Rule 1 r/w Section 114 of CPC to review the order passed by this Court in W.P.No.24024 of 2024, dated 10.09.2024 and allow the writ petition.

For petitioner : Mr.A.Arokia Satheesh



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ORDER

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(Order of the Court was made by D.KRISHNAKUMAR, J.)

This Review application has been filed by the writ petitioner to review the order passed by this Court in W.P.No.24024 of 2024, dated 10.09.2024 and allow the writ petition.

2. The petitioner herein has filed the above writ petition to quash the impugned order passed by the first respondent dated 09.08.2024, in and by which, her request seeking permission to pay the remaining amount, as per the previous OTS (one time settlement) scheme, was rejected; and consequently she sought direction to the respondent bank to accept the onetime settlement amount of Rs.31 Lakh and release the title deeds in respect of the subject writ property.

3. The above writ petition was disposed of by this court, after considering the rival submissions made by the counsel on either side, which is extracted hereunder.

4. Considering the rival submissions proponed by learned counsel



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on either side, we dispose of the writ petition with a direction to the petitioner to make payment of Rs.46.34 Lakh to the respondent/bank as per the second OTS scheme, on or before 15.10.2024. While reckoning the outstanding amount, the respondent/ bank shall adjust the amounts, if any, already paid by the petitioner. If the petitioner complies with the aforesaid condition, the respondent/bank shall handover the title deeds in respect of the writ subject property to the petitioner. If the petitioner defaults in making payment of the said amount within the stipulated time, the respondent/bank is at liberty to proceed further in accordance with law.

Now as against the above said order, the petitioner has filed the present review application.

4. We heard the learned counsel for the petitioner and perused the materials on record.

5. It is contended by the learned counsel for the petitioner that, the bank has arbitrarily claimed a sum of Rs.46.34 Lakhs, without any basis, by claiming an additional sum of Rs.9,00,000/- apart from the agreed OTS amount of Rs.34,69,000/-, however, this aspect was not considered by this court. But in our view, only after considering the submission made by the counsel on either, the above order has been passed.



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6. At this juncture, it is useful to rely upon the decision of the Hon'ble Supreme Court in *Perry Kansagra V.Smriti Madan Kansagra reported in (2019) 20 SCC 753*, wherein, the Apex Court has held that, while exercising the review jurisdiction in an application under Order 47 Rule 1 r/w Section 114 of CPC, the Review Court does not sit in appeal over its own order. Further it was observed that a rehearing of the matter was impermissible in law and the same cannot be considered as an appeal in disguise and the power of review can be exercised for correction of a mistake, but not to substitute a view.

7. Therefore, we are of the view that, in the light of the above decision of the Hon'ble Supreme Court as stated supra, we do not inclined to revisit the order passed in the writ petition and hence, this review application cannot be entertained. It is for the petitioner to work out her remedy before the respondent bank.

8. Accordingly, this review application is dismissed.



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(D.K.K.J.)

(P.B.B.J.)

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Internet: Yes/No

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