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Review.Aplc (MD)No.37 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Review Aplc(MD).No.37 of 2023

The President,
Tamil Nadu Circle Postal,
Co-operative Bank Ltd., No.1031,
No.18/19, Jahangir Street,2nd Line Beach,
Post Box No.5026, Chennai - 600001.

...Petitioner

Vs.

M.Chinnasekkan

...Respondent

Prayer: Review Petition filed under Order 47 Rule 1 r/w. Sec.114 of C.P.C.,
seeking to review the order dated 11.04.2023 made in W.A.(MD).No.402 of
2023.

For Petitioner : Mr.R.Malaichamy

ORDER

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

The only grievance of the review applicant is that his plea regarding
maintainability of the Writ Petition has been rejected on the ground that it
has not been raised by the writ court.



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2.Mr.R.Malaichamy, learned counsel appearing for the review applicant would invite our attention to the reference made in para 3 of the order of the learned single Judge where in the counter to the Writ Petition, it is stated that the Writ Petition is not maintainable. That portion of the order is only an extract from the counter affidavit and there is no further discussion on the question of maintainability which leads to the irresistible conclusion that the said point was not urged before the learned single Judge,

3.Furthermore, we have also stated that since the dispute is between the Member and Management of the Co-operative Society and it has been found that the management has appropriated the money belonging to him without due process of law, the impugned order of recovery is not sustainable.

4.The learned counsel appearing for the review applicant would re-agitate the same ground before us to the effect that the writ petition is not maintainable. We do not think, it is a ground for review, since it does not amount to an error on the face of record. Hence, this Review Application is



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dismissed. It is made clear that the order in W.A.No.(MD).No.402 of 2023 will not operate as a precedent.

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(R.S.M., J.) (L.V.G., J.)
07.03.2024

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Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order

Nuetral Citation :Yes/No



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R.SUBRAMANIAN, J.
and
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