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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Rev.Aplw.No. 55 of 2025

The Secretary
Vellore Central Co-operative Bank
Kancheepuram Road
Panapakkam, Nemili Taluk
Ranipet – 631 052.

... Applicant/3rd Respondent

Vs

1. C.Raghu ... 1st Respondent/Writ Petitioner
2. The Chairman
National Handicapped Finance and Development Corporation
98 MG + 2QX, Sector 12
Faridabad, Haryana – 121007.
3. The Manager
TNSC National Handicapped Finance and Development Corporation
Angappa Naicken Street,
Parrys Corner, Chennai – 600 001.

... 2nd and 3rd Respondents/1st and 2nd respondents



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PRAYER: Review Application filed under Order 47 Rules 1 & 2 read with 114 of CPC, to review the order dated 16.12.2024 in W.P.No. 33088 of 2024.

For applicant : Mr. L.P.shanmugasundaram

For 1st Respondent : Mr. U.Poushali

ORDER

This review application has been filed by the third respondent in the Writ Petition seeking review of an order dated 16.12.2024. The order dated 16.12.2024 is extracted in entirety:-

“The Writ Petition has been filed in the nature of a Mandamus seeking a direction against the respondent to consider a representation dated 07.10.2024 given by the petitioner herein.

2. The petitioner had mortgaged a property at Punnai Village, Nemili, measuring 0.42.5 area, 1.05 cent at S.No. 113/1 by document No. 2914 of 2005 registered in the Sub Registrar Office at Arakonam and had obtained NDFDC loan from



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the Vellore District Central Cooperative Bank/ the third respondent herein for a sum of Rs.95,000/- on 22.05.2009. It carries 6% interest. The petitioner received a letter that he is due and liable to pay a sum of Rs.2,40,240/-. The petitioner is a visually handicapped person and he is also unemployed. His wife suffered brain stroke and both her leg and hand are paralyzed. It was under those circumstances that he claims waiver of atleast the interest portion.

3. The learned Special Government Pleader appearing for the third respondent stated on instructions received that if the petitioner pays the principle amount, then the interest portion could be waived.

4. The petitioner may endeavour to pay the principle amount of Rs.95,000/- in one instalment to the third respondent. Time is granted for effecting such payment till 31.01.2025. If that is paid on or before 31.01.2025, a direction is given to the third respondent to waive the interest component completely.



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5. *With the above direction, this Writ Petition stands disposed of. No order as to costs.*”

2. Thereafter, the Writ Petitioner had also filed Contempt Petition No. 538 of 2025 complaining that when he tendered the principal amount of Rs.95,000/-, there was refusal to receive the same.

3. Notice had been directed in the Contempt Petition and representing the present writ petitioner/third respondent in the Writ Petition, A.Dakshnamoorthi, Branch Manager of Vellore Central Co-operative Bank, Kancheepuram Road, Panapakkam, Nemili Taluk, Ranipet, appeared before the Court. He also filed an affidavit in the contempt petition.

4. The only ground taken up seeking to review the order is the observation of this Court that the learned Special Government Pleader, who appeared for the review petitioner / third respondent in the Writ Petition had stated on instructions received that if the writ petitioner pays the principal amount then the interest may not be waived.



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5. It is contended that no such instructions had been given and that the review petitioner/third respondent in the Writ Petition has no right or authority to waive the interest portion.

6. With respect to the right or authority of the review petitioner/third respondent in the Writ Petition to waive the interest portion, it is an issue or a policy decision of the review petitioner and the Court can never examine the same or determine the same. There could be waiver in the certain instances. They could be a refusal in certain instances. Therefore, there cannot be a uniform policy regarding the same.

7. The contention that the learned Special Government Pleader had wrongly stated that if the petitioner pays the principal amount, then the interest portion could be waived has to be rejected since that statement has been reduced on the records of the Court.

8. In *(1982) 2 SCC 463 [State of Maharashtra Vs. Ramdas Shrinivas Nayak and Another]*, the Hon'ble Supreme Court had held as follows:-



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“4.Matters of judicial record are unquestionable. They are not open to doubt. Judges cannot be dragged into the arena. "Judgments cannot be treated as mere counters in the game of litigation". Per Lord Atkinson in *Somasundaran v. Subramanian* A.I.R. 1926 P.C. 136 We are bound to accept the statement of the Judges recorded in their judgment, as to what transpired in court. We cannot allow the statement of the judges to be contradicted by statements at the Bar or by affidavit and other evidence. If the judges say in their judgment that something was done, said or admitted before them, that has to be the last word on the subject. The principle is well settled that statements of fact as to what transpired at the hearing, recorded in the judgment of the court, are conclusive of the facts so stated and no one can contradict such statements by affidavit or other evidence. If a party thinks that the happenings in court have been wrongly recorded in a judgment, it is' incumbent, upon the party, while the matter is still fresh in the minds of the judges, to call attention



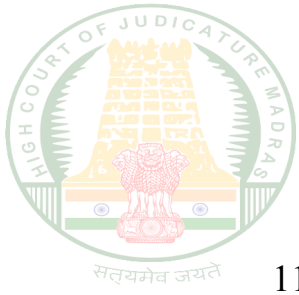
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of the very judges who have made the record to the fact that the statement made with regard to his conduct was a statement that had been made in error. Per Lord Buckmaster in Madhusudan v. Chanderwati A.I.R. 1917 P.C. 30 That is the only way to have the record corrected. If no such step is taken, the matter must necessarily end there. ”

9. The Constitution Bench of the Hon'ble Supreme Court had very clearly stated that there could not be any argument questioning any record made by the Court. If the Court had recorded that the learned Special Government Pleader had made a particular statement, then it is to be presumed that the learned Special Government Pleader had in fact made that particular statement. In the instant case, on instructions, the learned Special Government Pleader had made a particular statement which had been recorded by the Court.

10. The stand of the review petitioner cannot be appreciated. The learned Special Government Pleader had every authority to represent the respondents in the Writ Petition and under that authority, had represented the matter before the Court.



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11. It is not the case that any special privilege had been given to any of the parties to the Writ Petition. The order had been passed only based on the representation made. There is no error on the face of record. There is no statement made that such representation was not made by the learned Special Government Pleader. I am afraid that the Review Application would not lie. The Review Application stands dismissed. No costs.

13.06.2025
(1/2)

Index: Yes/No

Web: Yes/No

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Speaking order : Yes / No



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C.V.KARTHIKEYAN, J.

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