



Rev.Aplw. Nos.307 and 308 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2025

CORAM

THE HON'BLE MR.MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

Review Application Nos.307 and 308 of 2015
(W.P.Nos.5256 of 2015 and 5257 of 2015)

M/s.Bhuvaneswari Provisions,
Rep by its Partner, R.Rajendran,
13, Pudupalaya Street,
Kumbakonam 612 001, Currently residing at
178, M.G.Road, Muthaiyalpet,
Pondicherry 605 003.

.. Petitioner
in both RAs.

-vs-

1. The City Union Bank Limited,
Kumbakonam Main Branch,
Rep. By its Special Officer,
No.149, TSR Big Street,
Kumbakonam 632 001.
2. Sampath Begum
3. The Registrar
Debt Recovery Appellate Tribunal,
4th Floor, Indian Bank Circle Office,
55, Ethiraj Salai, Chennai.

.. Respondents
in R.A.No.307/2025



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1. The City Union Bank Limited,
Main Branch Kumbakonam,
Rep. By its Manager, Thanjavur.

2. V.R.Chidambaram
3. A.Pugazhendi
4. S.Tamilarasan
5. The Registrar
Debt Recovery Appellate Tribunal,
4th Floor, Indian Bank Circle Office,
55, Ethiraj Salai, Chennai.

.. Respondents
in R.A.No.308/2025

Prayer: Review Applications filed under Order 47 Rule 1 read with Section 114 of CPC to review the order dated 06.10.2015 passed in W.P.Nos.5256 and 5257 of 2015 on the file of this Court.

For Petitioner
in both R.As. : Mr.C.Harsha Raj

For Respondents
in both R.As. : Mr.Arokia Satheesh
for Mr.S.Sethuraman, for R-1
: M/s.M.Pavithra, for R-2
* * * * *

COMMON ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard on the review applications.

2. Learned counsel for the review applicant would submit that the very stand taken by the petitioner in the writ petitions as



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contained in paragraph 7 thereof has been completely omitted from consideration by this Court.

2.1. In paragraph 7 of the affidavit in the writ petition, the following averments were made:

"7. I submit that during the pendency of the appeal, appeal filed by us namely AIR No.687 of 2010 came to be dismissed for default before the DRAT for non-appearance of myself or my counsel for a single hearing. The appeal was subsequently restored and taken on file and since substantial amounts have been paid by me subsequent to the announcement of the auction sale and conducting of the auction sale the appeal was renumbered as R.A.73/2014 as the condition of pre-deposit was complied with. I submit that in compliance of various orders passed by the Hon'ble DRT and DRAT as per the latest statement of account produced by the respondent bank at our instance and demand as on 19.06.2014 stating that the outstanding amount in our loan account is only Rs.2,69,599.00, the entire balance outstanding claim in the O.A. as stated by the respondent bank in their statement along with upto date interest amounting to Rs.2,71,000.00 was paid in full and as final settlement of the entire outstanding in my loan account to the respondent/Bank as on 07.08.2014 pending the final



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disposal of the appeals aforementioned.

2.2. Further, in paragraph 8 of the affidavit, the following averments were made requiring consideration by this Court:

"8. I submit that since the entire dues of the respondent bank as given in the DRC had been satisfied by paying the balance outstanding amount in the loan account as mentioned by the bank in their statement of account, we filed I.A.No.776/2014 before the DRAT, Chennai for the return of original title documents of the property mortgaged with the bank. In the said I.A. the fact that the bank has no further cause of action against us there is no debt or liability due from us to them and that the retention of the original documents is without any authority was categorically stated. In this regard it has to be stated that I have the right to redeem the mortgaged property at any time before the sale is confirmed as ruled by the Hon'ble Supreme Court in many cases. Accordingly I paid the entire outstanding along with due interest much before the restoration of the auction sale by Debt Recovery Appellate Tribunal, which was set aside by the Debt Recovery Tribunal-III, Chennai."

2.3. We find that there is no consideration of these aspects in the order under review before us.



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3. Though learned counsel for the Bank would submit that such a ground is not made out and the petitioner could not have claimed rights as stated in paragraphs 7 and 8, we are of the view that this was required to be considered irrespective of whether or not it merits consideration.

4. In that view of the matter, the common order passed by us on 06.10.2015 in W.P.Nos.5256 and 5257 of 2015 stands recalled and the writ petitions are restored to its original number for hearing afresh.

Review Applications are, accordingly, allowed. There shall be no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ.) (G.ARUL MURUGAN, J.)
10.12.2025

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN, J.

(sra)

To

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