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Order QR



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

Rev.Aplw.No.262 of 2026

Case QR

CNR:{HCMA011689892026}

Anthony Samy,
S/o Arokiyasamy
L-535 Police Colony, Navalpet,
Trichy - 620026

Petitioner(s)

Vs

1. The Chief Manager,
   State Bank of India
   (Est. while State Bank of Trivancore)
   Market Centre, HAPP Township
   Trichy - 620025

2. Tamilselvan,
   S/o Palaniyappan,
   No. 06/846, Happy Nagar,
   Poolangudi Colony, Trichy - 25

Respondent(s)

Prayer : Petition filed under Order 47, Rule 1 read with Section 114 of the Code of Civil Procedure seeking to review the order dated 22.06.2026 passed in W.P.No.4581 of 2026.



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For Petitioner(s): Mr.A.E.Chelliah
Senior Counsel
For Mr.K.Ramalingam

For Respondent(s): Mr.B.Raghavalu Naidu for R1

ORDER
(Order of the Court was made by
G.Arul Murugan, J)

The review application has been filed seeking to review the order dated 22.06.2026 in W.P.No.4581 of 2026.

2. Learned Senior Counsel appearing for petitioner contended that since certain articles were damaged and some where missing, possession of the same was not taken and since it is recorded in the order that the articles were delivered, a review of the order is sought.

3. Learned Senior Counsel further contended that petitioner is entitled to receive his articles in an undamaged state and since the damage was caused by the bank, unless this Court reviews the order and passes appropriate directions, petitioner would be aggrieved.



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4. Heard learned Senior Counsel appearing for petitioner and considered the materials available on record.

5. The scope of review is well-settled as the review can be made strictly within the parameters as set out under Order XLVII, Rule 1, read with Section 114 of the Code of Civil Procedure. The Hon'ble Supreme Court in *Malleeswari v. K.Suguna*[1] settled the issue with the following observations:

> *"15. It is axiomatic that the right of appeal cannot be assumed unless expressly conferred by the statute or the rules having the force of a statute. The review jurisdiction cannot be assumed unless it is conferred by law on the authority or the Court. Section 114 and Order 47, Rule 1 of CPC deal with the power of review of the courts. The power of review is different from appellate power and is subject to the following limitations to maintain the finality of judicial decisions:*
>
> *15.1 The review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of CPC.*
>
> *15.2 Review is not to be confused with appellate powers, which may enable an appellate court to correct all manner of errors committed by the subordinate court.*

[1] 2025 SCC OnLine SC 1927



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*15.3 In exercise of the jurisdiction under Order 47 Rule 1 of CPC, it is not permissible for an erroneous decision to be reheard and corrected. A review petition, it must be remembered, has a limited purpose and cannot be allowed to be an appeal in disguise.*

*15.4 The power of review can be exercised for the correction of a mistake, but not to substitute a view. Such powers can be exercised within the limits specified in the statute governing the exercise of power.*

*15.5 The review court does not sit in appeal over its own order. A rehearing of the matter is impermissible. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered. Hence, it is invoked only to prevent a miscarriage of justice or to correct grave and palpable errors."*

6. In the light of the above dictum, we see that none of the grounds raised in the present review fall within the parameters set out under Order XLVII, Rule 1 of the Code of Civil Procedure.

7. It is to be noted that in the earlier round of litigation, petitioner filed W.P.No.29945 of 2025 seeking a direction to pay a sum



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of Rs.19.00 lakh towards loss occurred to him by respondents. This Court, by order dated 10.10.2025, considering the fact that the bank had resorted to all the proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and had obtained an order from the Chief Judicial Magistrate under Section 14 of the Act, pursuant to which possession was taken and as the parties refused to take back the articles, the bank had secured them in a rented premises, dismissed the writ petition with certain observations. Paragraphs 13 and 14 of the order read as under:

> *"13. Therefore, we are of the view that the petitioner's claim that petitioner was illegally deprived of enjoyment of his properties and other articles required for his profession is without any basis. Accordingly, no directions can be issued in favour of the petitioner for payment of any damages towards alleged loss. The prayer of the petitioner in that regard is rejected.*
>
> *14. However, the petitioner is at liberty to collect all the articles from the rented premises, which is in the possession of the respondent bank. For this purpose, the petitioner shall appear before the Chief Manager, State Bank of India, HAPP Branch, Trichy on 15.10.2025 at 10.30 a.m. Upon such approach made, the bank shall depute an officer who shall take the petitioner to the rented premises where the*



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*items have been kept and the petitioner shall be allowed to remove all the items as per the inventories. A report of panchanma shall also be prepared by the concerned bank official in whose presence the petitioner shall remove the items and the petitioner shall also acknowledge removal of the items. The entire rent amount paid by the bank for the rental premises where the items are kept shall also be indicated to the petitioner and as soon as the petitioner pays the amount to the bank, all the items may be allowed to be removed by the petitioner. "*

8. On the earlier occasion, this Court had recorded that the parties would approach the bank on 15.10.2025 at 10.30 a.m., whereupon an inventory would be prepared, based on which the articles would be taken back by petitioner. Admittedly, pursuant to the directions issued, the parties appeared before the bank on 15.10.2025 and an inventory was prepared, which was duly signed by petitioner, along with his counsel.

9. Subsequently, petitioner came up with another writ petition in W.P.No.4581 of 2026 seeking a direction to award compensation for the damaged goods and permission to occupy the second floor of the house, as it was not covered by the auction. This Court, by order dated



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22.06.2026, finding that the relief sought cannot be allowed to be agitated, as the issue raised by petitioner had already been considered in the earlier order, dismissed the writ petition holding that the second writ petition would be hit by *res judicata* and that the earlier order has attained finality. In paragraph 6 of the said order, this Court observed that petitioner had appeared before the bank, an inventory dated 15.10.2025 was prepared, and the articles were delivered, which was acknowledged by petitioner.

10. It is now contended that even though such an inventory was prepared, the bank has not signed and that petitioner has not taken back the articles.

11. We are unable to accept the said contention of learned Senior Counsel for petitioner. Particularly when, pursuant to the directions issued by this Court, petitioner appeared before the bank, based on which an inventory was prepared on 15.10.2025 and petitioner and his counsel have signed the same, it is deemed that the parties on taking of the inventory were entitled to take possession of the materials. The bank is under no obligation to deliver the articles at the residence or any place as required by petitioner. Once petitioner appeared before



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the bank and signed the inventory, it is for petitioner to take delivery of the articles. It is only deemed that the articles are handed over to petitioner on that date, and any failure to physically remove them does not alter the position.

12. When the above issue was not raised in the second writ petition, where the relief sought was only to award damages and permit the petitioner to occupy the second floor and the said writ petition was rejected, raising fresh issues in the present review application is clearly impermissible.

13. Finding no merits, the review petition is dismissed.

14. The submissions learned counsel for the bank that even if petitioner wants to take back the articles as per the inventory prepared, it is always open to him to take, is recorded.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
04.11.2026



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Index : Yes/No
Neutral Citation : Yes/No

kpl

To

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