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Supreme Court of India reinforces the prohibition on second Special Leave Petition following unconditional withdrawal: A decision grounded in public policy against repetitive litigation

A Division Bench of the Hon'ble Supreme Court of India ("**Supreme Court**"), in the case of *Satheesh V.K. vs. The Federal Bank Limited*¹, dismissed 2 (two) civil appeals filed by a borrower challenging the maintainability of a second round of litigation before the Supreme Court after having unconditionally withdrawn an earlier Special Leave Petition ("**SLP**"). The Supreme Court, while reiterating the principle of finality in litigation, held that such repeated attempts to challenge the same order are impermissible and contrary to public policy.

Brief facts

The appellant, Satheesh V.K., had availed financial assistance from the Federal Bank Limited ("**Bank**"), a secured creditor by mortgaging properties in Kozhikode. Upon default, the Bank classified the loan as a Non-Performing Asset ("**NPA**") and initiated recovery proceedings under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

Aggrieved by the action of the Bank, the appellant filed a writ petition under article 226 of the Constitution of India ("**Constitution**") before the Kerala High Court ("**Kerala HC**"), which was disposed of on October 1, 2024. The Kerala HC directed the appellant to pay INR 2,00,00,000 (Indian Rupees two crore) upfront and the balance in 12 (twelve) monthly instalments. The appellant was also permitted to approach the Bank for a one-time settlement after making the initial payment.

The appellant challenged Kerala HC order by way of an SLP before the Supreme Court, which was withdrawn on November 28, 2024 without seeking liberty to re-approach the Supreme Court. Subsequently, the appellant filed a review petition before the Kerala HC, which was dismissed. The appellant then filed 2 (two) civil appeals before the Supreme Court challenging both the original High Court order dated October 1, 2024 and the dismissal of the review petition. The Bank objected to the maintainability of the appeals.

Findings and analysis

The Supreme Court upheld the preliminary objection raised by the Bank regarding the maintainability of the appeals and held as follows:

¹ 2025 SCC OnLine SC 2046 (decided on 23rd September 2025)

1. a litigant who withdraws an SLP without seeking liberty to file a fresh one cannot at a later stage challenge the same order again;
2. the underlying principle of Order XXIII Rule 1 of the Code of Civil Procedure, 1908 (“CPC”), which bars re-litigation after withdrawal without liberty, applies equally to SLPs under Article 136 of the Constitution;
3. the Supreme Court relied on its earlier decision in *Upadhyay and Co. vs. State of U.P.*², which held that unconditional withdrawal of an SLP precludes a second challenge to the same order; and
4. the Supreme Court also distinguished the present case from *S. Narahari vs. S.R. Kumar*³, where liberty to file a review was granted, and from *Khoday Distilleries Ltd.*⁴ and *Kunhayammed vs. State of Kerala*⁵, which dealt with the doctrine of merger and maintainability of review petitions post-SLP dismissal.

The Hon’ble Supreme Court emphasised that allowing such repetitive litigation would violate the maxim ‘*interest reipublicae ut sit finis litium*’, which means it is in the public interest that there be an end to litigation.

Conclusion

The Supreme Court’s decision in *Satheesh V.K.* reinforces the principle that litigants cannot take multiple bites at the cherry by re-approaching the Supreme Court after unconditionally withdrawing an SLP. The judgment upholds judicial discipline, discourages forum shopping, and preserves the sanctity of final orders. It serves as a cautionary precedent for litigants seeking to circumvent procedural finality through technical maneuvers.

² (1999) 1 SCC 81

³ (2023) 7 SCC 740

⁴ (2019) 4 SCC 376

⁵ (2000) 6 SCC 359

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This Prism is prepared by:



Dheeraj Nair
Partner



Padmaja Kaul
Partner



Kushagra Sah
Senior Associate



Vansh Bhutani
Associate



Devashish Vashishth
Junior Associate



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