



(1) (3)

C.F. 157

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Civil Revision No. 195 of 2003.

Single Bench

APPLICANT
PLAINTIFF

: M/s. Shri Krishna Dall Mill
Registered Partnership Firm
Balodabazar Naka Bhatapara
Post Bhatapara, Tahsil Bhatapara
District Raipur (Chhattisgarh)

V E R S U S

NON-APPLICANTS
DEFENDANTS

- : 1. S. Tarni Kettle feeds
2. Rajiv Sinha aged 58 years son of
Tarni Prasad Sinha
3. Nitin Sinha aged 32 years son of
Rajiv Sinha

P. R. No. 1347/03
Presented by Shri. H. B. Aggarwal
dated 12.06.03

All Resident of Opposite Puraan Dall
Mill Ganjpara Ward Post Raipur
Tahsil & District Raipur (Chhattisgarh)

CIVIL REVISION UNDER SECTION 115 OF CODE OF CIVIL PROCEDURE

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक C.R.195 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>30.6.2006</p> <p><u>C.R.No.195/2003</u></p> <p>Shri H.B.Agrawal, Senior Advocate with Shri J.K.Gupta, counsel for the applicant.</p> <p>Heard on admission.</p> <p>This revision is directed against order dated 15.3.2003, passed in Civil Suit No. 51-B/2002 by the 1st Additional District Judge, Raipur. The petitioner is aggrieved because his application filed under Order 12, Rule 6 of the Civil Procedure Code has been dismissed by the trial Court and the trial Court did not pass a judgment on admissions.</p> <p>The submission of learned counsel for the applicant is that the applicant has claimed a sum of Rs.10,29,137=58 in the said civil suit No.51-B/2002. According to the applicant, certain admissions were made in the written statement and in view of the above, the trial Court was required to pass a judgment on admissions. However, he further submits that even if the judgment would have been pronounced by the trial Court on admissions; it would not have led to the final disposal of the suit before the trial Court.</p> <p>In the opinion of this Court, in view of the amendment brought in Section 115 of the Code of Civil Procedure, this revision would not be maintainable.</p> <p>A plain reading of Section 115 as it stands makes it clear that the stress is on the question whether the order in favour of the party applying for revision would have given finality to suit or other proceeding. If the answer is "yes" then the revision is maintainable. But</p>	

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	<p>on the contrary, if the answer is "no" then the revision is not maintainable.</p> <p>Here the counsel for the applicant himself asserts that even if the judgment would have been passed on admissions on record, it would not have led to final disposal of the case being admission of the claim in part.</p> <p>In view of the above, the revision is dismissed as not maintainable. However, the applicant would be at liberty to avail appropriate remedy available under the law. The certified copy of the impugned order be returned to the counsel for the applicant, if demanded within a period of 15 days from today.</p> <p>The revision stands finally disposed of.</p>	<p>Sd/- Sunil Kumar Sinha Judge</p>

sumits

[पीछे देखिये]

14/11/2003