

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

...
CR no.10/2022
CM no.2191/2022

Irfan Ahmad Mir

.....Petitioner(s)

Through: Mr Munir Ahmad Bhat, Advocate

Versus

Mohammad Yousuf Mir

.....Respondent(s)

CORAM:

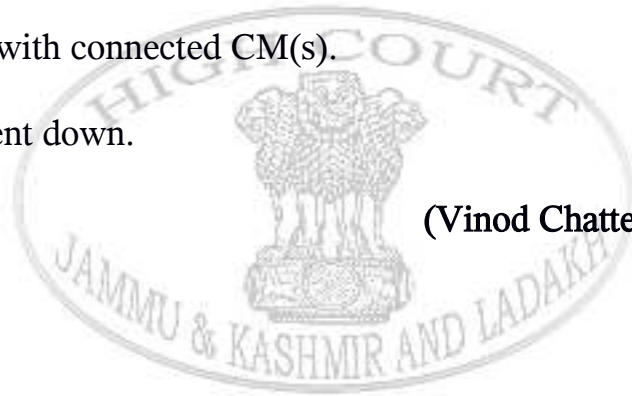
HON'BLE MR JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER
28.04.2022

1. This Civil Revision petition has been preferred against order dated 18th April 2022, passed by Munsiff (JMJC), Tangmarg, in an application titled *Irfan Ahmad Mir v. Mohammad Yousuf Mir*, making appointment of Commissioner for visiting spot and submitting report.
2. Heard and considered.
3. Civil Revision under Section 115 of the Code of Civil Procedure provides that the High Court may call for the record of any case which has been decided by any court subordinate to the High Court and in which no appeal lies thereto, and if such subordinate court appears to have exercised a jurisdiction not vested in it by law, or to have failed to exercise a jurisdiction so vested in it by law, or to have acted in exercise of its jurisdiction illegally or with material irregularity, or to have caused failure of justice; the High Court may make such order in the case as it thinks fit. However, the High Court shall not vary or reverse any order made, or any order deciding an issue, in the course of a suit

or other proceedings, except where the order, if it had been made in favour of the party applying for revision would have finally disposed of the suit or other proceedings. The High Court shall also not vary or reverse any decree or order against which an appeal lies either to the High Court or to any court subordinate thereto.

4. When the case in hand is looked into in the context of provisions of Section 115 CPC, it becomes self-evident that impugned order is not a revisable order. The Trial Court has, in terms of order impugned, appointed a Commissioner. Impugned order has not culminated or decided any proceeding or the suit pending before it, but has only appointed a Commissioner. Thus, impugned order need not be interfered with.
5. For the reasons discussed above, the instant Civil Revision Petition is dismissed with connected CM(s).
6. Copy be sent down.



(Vinod Chatterji Koul)
Judge

Srinagar
28.04.2022
Ajaz Ahmad, PS