

* **HIGH COURT OF DELHI AT NEW DELHI**

+ **C.R.P. 57/2015 & CM APPL.7273/2015 & 13327/2015**

Decided on: 1st October, 2015

RAJA RAM Petitioner

Through: Mr. Saurabh Kansal, Advocate

versus

T.P. VERGHESE THR. LRS. Respondents

Through: Mr. Binay Kumar, Advocate

CORAM:

HON'BLE MR. JUSTICE V.K. SHALI

V.K. SHALI, J. (ORAL)

1. The petitioner by virtue of the present revision petition has challenged two orders one dated 24.01.2015 and the other dated 28.02.2014. As a matter of fact both these two orders could not have been challenged by the petitioner Raja Ram in the same revision petition by filing a common petition. However, without going into that aspect of the matter, it is stated that the respondent T.P. Verghese filed a suit for recovery of Rs.85,000/- against the

present petitioner Raja Ram. The aforesaid suit resulted in passing of a decree against the petitioner Raja Ram on 12.09.2012.

2. Raja Ram filed an appeal against the judgment and decree dated 12.09.2012. On 18.09.2013, the present petitioner-Raja Ram was informed about the death of the appellant-T.P. Verghese. However, no application for substitution of LRs was filed on behalf of the LRs of the deceased T.P.Verghese and by virtue of operation of law after expiry of 90 days period of limitation, the appeal was treated to have been abated. Thereafter the matter was received by transfer by another Court which passed an order on 28.02.2014 which Court had taken cognizance of all these facts and reiterated the abetment of appeal.
3. The petitioner filed an application for substitution of the LRs which was also dismissed by the learned ADJ vide order dated 24.01.2015 holding that no valid justification was given for belated filing of the application under Order 22 Rule 4 CPC read with Section 9(2) of the CPC and Section 5 of the Limitation Act which could be termed to be constituting a sufficient cause and according

the application was dismissed. The net result was that the decree stood against Raja Ram and his estate.

4. The present revision petition has been filed by the petitioner Raja Ram against the two orders dated 28.02.2014 and 24.01.2015.
5. Without going into the merits of the matter, a revision petition under Section 115 CPC after insertion of proviso by an amendment is very limited. Now, a revision is entertainable only if the revisionist is able to show that the impugned order was decided in his favour then the suit would have finally terminated. Meaning thereby, the entire effort of the amendment is to cut the litigation and bring the litigation to an end in case the order on the application of the revisionist is passed in his favour.
6. In the instant case it could hardly be said that if the applications would have been allowed then the matter would have come to an end. On the contrary, Since the LRs of T.P. Verghese would have been impleaded in the appeal against decree and the matter would have continued to be adjudicated by assailing the subsequent order and judgment passed in proceedings.

7. The learned counsel for the revisionist/petitioner has placed reliance on a judgment of Punjab & Haryana High Court in *Sat Pal L. Rameshwar Dial & Anr. v. Budha Lalji & Ors.*, AIR 1968 PH 70 to contend that a revision would lie in the instant case.
8. The aforesaid judgment is not applicable to the facts of the present case for the simple reason this is a judgment which has been passed by the High Court as per the un-amended provision of Section 115 and therefore, it will not regulate the facts of the present case as post 1999 there is an amendment in the revision provision limiting the interference by the revisionist court as has been observed above.
9. Accordingly, the revision petition is without any merit as well as barred by law, therefore, the same is dismissed.
10. Pending applications also stand disposed of.

V.K. SHALI, J.

OCTOBER 01, 2015

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