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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ C.R.P. No.147/2017

JAGDISH PRASHAD MEHTA & ANR

..... Petitioners

Through: Mr. Navaneet Kumar and Mr.
Kaushal, Advs.

versus

AKHIL BHARTIA BARAI CHAURASIA

SAMAJ (REGD)

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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11.07.2017

CM No.23789/2017 (for exemption).

1. Allowed, subject to just exceptions.
2. The application stands disposed of.

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3. This Revision Petition under Section 115 of the Code of Civil Procedure, 1908 (CPC) impugns the order dated 10th March, 2017 of the Civil Judge of dismissal of an application filed by the petitioner / defendant for review of the order dated 3rd September, 2016 of dismissal of the application filed by the petitioner / defendant under Order VII Rule 11 of the CPC.
4. The order dated 3rd September, 2016 has not been challenged.
5. I have thus enquired from the counsel for the petitioner / defendant as to how a Revision Petition under Section 115 is maintainable.
6. The counsel for the petitioner / defendant states that the learned Civil Judge has failed to exercise jurisdiction vested in it and / or has acted in

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exercise of its jurisdiction illegally and immaterially.

7. However the proviso to Section 115 of the CPC provides that this Court shall not under Section 115 of the CPC vary or reverse any order made in the course of a suit except where the order, if it had been made in favour of the party applying for revision, would have finally disposed of the suit.

8. If the application of the petitioner / defendant for review had been allowed, that would have only resulted in the application under Order VII Rule 11 of the CPC being heard again and would not have resulted in the final disposal of the suit.

9. Even otherwise the purport of the Order XLVII Rule 7(1) of the CPC is that against an order of rejection of review no remedy can be availed of.

10. The petition is thus dismissed as not maintainable

RAJIV SAHAI ENDLAW, J

JULY 11, 2017
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