

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.196 of 2019

Abhishek Kumar @ Bablu Mistri Son of Bhuneshwar Singh resident of Village- Daniyawar, P.O. and P.S.- Daniyawar, District- Patna.

... .. Petitioner

Versus

1. Manoj Kumar @ Munna Singh son of Kishori Singh property dealer resident of Village Daniyawar, P.O. and P.S. Daniyawar, District Patna.
2. Bhola Mistri son of Nannku Mistri resident of Village Daniyawar, P.O. and P.S. Daniyawar, District Patna.
3. Tuntun Mistri son of Nannku Mistri resident of Village Daniyawar, P.O. and P.S. Daniyawar, District Patna.
4. Lalbabu Mistri son of Nannku Mistri resident of Village Daniyawar, P.O. and P.S. Daniyawar, District Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Uday Prasad Singh
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 19-02-2020 This civil revision application has been filed under Section 115 of the Code of Civil Procedure for setting aside the impugned order dated 29.08.2019, passed in T.S. No. 144 of 2019, by the learned Sub Judge-1, Patna City, whereby and whereunder the court below has asked the petitioner to deposit a court fee of Rs.8,215/- instead of 500/-.

2. Proviso to Section 115 of the Code reads as under: -

"[Provided that the High Court shall not, under this section, vary or reverse any order made, or any order deciding an issue, in the course of a suit or other proceeding, 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.]

(2) The High Court shall not, under this section, vary or reverse any decree or order against which an appeal lies either to the High Court or to any Court subordinate thereto.

(3) A revision shall not operate as a stay of suit or other proceeding before the Court except where such suit or other proceeding is stayed by the High Court.]”

In view of the above, in my opinion, this civil revision application cannot be maintained and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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