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

+ C.R.P. 284/2025 & CM APPL. 64298/2025

ANOOP JADHAV

.....Petitioner

Through:

versus

GIRVER SINGH BISHT

.....Respondent

Through: Mr. Anubhav Dubey, Mr. S.
Chaudhary, Advocates for
Revisionist.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **07.11.2025**

1. The challenge in this revision petition is to an order of the learned District Court dated 22.07.2025, by which an appeal filed by the petitioner herein has been dismissed on the ground of delay.
2. Learned counsel for the petitioner has been heard on the issue of maintainability of the present revision petition, as noted in the order dated 13.10.2025.
3. The petitioner, who was the appellant before the District Court, sought condonation of a delay of 460 days in filing an appeal against a judgment dated 02.12.2023 of the Trial Court, by which a decree of eviction was passed against the petitioner. By the impugned order, the learned Appellate Court held that sufficient cause had not been made out to explain the delay, and therefore dismissed both the application under Section 5 of the Limitation Act, 1963, and the appeal.



4. The present revision petition has been filed under Section 115 of the Code of Civil Procedure, 1908 [“CPC”], which reads as follows:

“115-Revision.— [(1)] The High Court may call for the record of any case which has been decided by any Court subordinate to such High Court and in which no appeal lies thereto, and if such subordinate Court appears—

(a) to have exercised a jurisdiction not vested in it by law, or

(b) to have failed to exercise a jurisdiction so vested, or

(c) to have acted in the exercise of its jurisdiction illegally or with material irregularity, the High Court may make such order in the case as it thinks fit:

[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.]

Explanation.—In this section, the expression “any case which has been decided” includes any order made, or any order deciding an issue in the course of a suit or other proceeding.]”

[Emphasis supplied.]

5. It is evident that, in the present case, if the order had been passed in favour of the revision petitioner, the appeal would not have been disposed of but, to the contrary, would have been entertained by the District Court. Such a revision petition is therefore not maintainable in view of the proviso to Section 115(1) of the CPC, which limits revisional jurisdiction to cases where the order, if made in favour of the revisionist, would have resulted in final disposal of the suit or other proceedings.

5. In view of the above, this revision petition is not maintainable and



is dismissed leaving it open to the revisionist to take such remedies as available to him in law.

6. Pending application also stands disposed of.
7. Copy of this order be given *dasti* under the signature of the Court Master.

PRATEEK JALAN, J

NOVEMBER 7, 2025

'Bhupi/JM'/'