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

+ C.R.P. 294/2025 and CM APPL. 66402/2025, CM APPL. 66403/2025
CM APPL. 66404/2025

SAGAR BATRA

.....Petitioner

Through: Mr. Vishnu Sharma and Mr. Ritik
Bhardwaj, Advocates.

versus

VEER SINGH TANWAR @ BEER SINGH & ANR.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

29.10.2025

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1. The petitioner, who is the defendant in CS (DJ) No. 478/2023 before the Court of the learned District Judge-03, South District, Saket Courts, New Delhi, has filed the present revision petition against the order dated 21.07.2025, whereby the learned Trial Court dismissed the petitioner's application for leave to defend the suit instituted under Order XXXVII of the Code of Civil Procedure, 1908 ["CPC"].

2. The revision petition is filed under Section 115 of the CPC, which reads as follows:

"Section 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.]

3. The effect of the proviso to Section 115(1) of the Code of Civil Procedure is that only such orders as would have resulted in the disposal of the suit proceedings, if made in favour of the revision petitioner, are susceptible to revision.
4. In the present case, the petitioner seeks unconditional leave to defend. Clearly, such an order would not have disposed of the suit.
5. The revision petition is, therefore, not maintainable and is dismissed, leaving it open to the petitioner to take such remedies, as may be available to him in law.
6. Pending applications also stand disposed of.

PRATEEK JALAN, J

OCTOBER 29, 2025

UK/JM/