2026:AHC:207952

HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL REVISION No. - 240 of 2018

Manager, Prabandh Samiti, Saraswati Pathshala Industrial Trust College

.....Revisionist(s)

Versus

Sanjeev Arora And 3 Others

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Kamlesh Kumar Tiwari
Counsel for Opposite Party(s)	:	Rishikesh Tripathi

Court No. - 54

HON'BLE ANIL KUMAR-X, J.

1. The case is called out in the revised list. None appears on behalf of the revisionist to press this revision.

2. Heard Sri Rishikesh Tripathi, learned counsel for the respondent, who is present.

3. This Civil Revision has been directed against the order dated 3.8.2017 as well as the order dated 18.8.2018 passed by the learned Additional Civil Judge (Senior Division), Jhansi, in Original Suit No. 171 of 2016 (Sanjeev Arora and another Vs. Prabandhak Samiti Saraswati Pathshala Industrial Trust and others).

4. By means of the order dated 3.8.2017, two issues were decided by the learned Trial Court. Aggrieved by the said order, the revisionist/defendant filed an application for recall, which was dismissed by the learned Trial Court by its order dated 18.8.2018.

5. Learned counsel for the respondent submitted that Issue No. 3 was framed with regard to valuation, whereas Issue No. 5 related to the jurisdiction of the Court. Both the issues were decided in the presence of both the parties on 3.8.2017. Thereafter, the revisionist/defendant filed an application praying for recall of the order dated 3.8.2017, alleging that the said order had been passed ex parte. The learned Trial Court, upon finding that the order dated 3.8.2017 had not been passed ex parte, dismissed the recall application by its order dated 18.8.2018. It was further submitted that only an ex parte order can be recalled and that, where an order has been

passed on merits, the same cannot be recalled; rather, the remedy available to the aggrieved party is to file a review petition.

6. Heard learned counsel and perused the order dated 3.8.2017 as well as the order dated 18.8.2018 passed by the learned Additional Civil Judge (Senior Division), Jhansi, in Original Suit No. 171 of 2016.

7. It is apparent that a specific finding has been recorded by the learned Trial Court in its order dated 18.8.2018 that the order dated 3.8.2017 had been passed on merits after affording an opportunity of hearing to both the parties. On the said basis, the learned Trial Court dismissed the application seeking recall of the order dated 3.8.2017, observing that an order passed on merits could not be recalled merely by describing it as an ex parte order.

8. This Court finds that the finding recorded by the learned Trial Court while dismissing the application for recall of the order dated 3.8.2017, by its subsequent order dated 18.8.2018, does not suffer from any infirmity or illegality.

9. Accordingly, the revision is **dismissed**. Both the orders dated 3.8.2017 and 18.8.2018 are hereby affirmed.

October 5, 2026
Mukesh

(Anil Kumar-X,J.)

Digitally signed by :-
MUKESH SRIVASTAVA
High Court of Judicature at Allahabad