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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision: 28.04.2025*+ **C.R.P. 125/2025 & CM Appls.24995-96/2025**

SMT. SHEELA DEVI THROUGH ITS SPA HOLDER SMT.

SUNITA DEVI

.....Petitioner

Through: Mr. Sanjay Rathi, Adv.

versus

MR FARUK

.....Respondent

Through:

CORAM:**HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. The present Petition has been filed under Section 115 read with Section 151 of the Code of Civil Procedure, 1908 (CPC) impugning the order dated 11.02.2025 [hereinafter referred to as "Impugned Order"] passed by the learned ADJ-03, North District, Rohini Courts, Delhi. By the Impugned Order, the Application under Order VII Rule 14 of the CPC has been dismissed in view of the fact that the Application is totally silent upon the criteria laid down under Order VII Rule 14 of the CPC.

2. The attention of learned Counsel for the Appellant is drawn to Section 115 of the CPC which reads as follows:

"[(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]

2.1. The Supreme Court in ***Shiv Shakti Coop. Housing Society, Nagpur v. Swaraj Developers & Ors.***¹ has held that unless the order if given in favour of the party applying for the revision would have given finality to the suit or other proceeding, a revision is not maintainable. The relevant extract of the ***Shiv Shakti*** case is set out below:

"32. A plain reading of Section 115 as it stands makes it clear that the stress is on the question whether the order in favour of the party applying for revision would have given finality to suit or other proceeding. If the answer is "yes" then the revision is maintainable. But on the contrary, if the answer is "no" then the revision is not maintainable. Therefore, if the impugned order is interim in nature or does not finally decide the lis, the revision will not be maintainable. The legislative intent is crystal clear. Those orders, which are interim in nature, cannot be the subject-matter of revision under Section 115. There is marked distinction in the language of Section 97(3) of the Old Amendment Act and Section 32(2)(i) of the Amendment Act. While in the former, there was a clear legislative intent to save applications admitted or pending before the amendment came into force. Such an intent is significantly absent in Section 32(2)(i). The amendment relates to procedures. No person has a vested right in a course of procedure. He

¹ (2003) 6 SCC 659.



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has only the right of proceeding in the manner prescribed. If by a statutory change the mode of procedure is altered, the parties are to proceed according to the altered mode, without exception, unless there is a different stipulation.”

[Emphasis Supplied]

2.2 In view of the proviso to Section 115 of the CPC, the remedy of the Petitioner does not lie before this Court. The Petition is accordingly dismissed. All pending Applications also stand closed.

3. Liberty is however granted to the Petitioner to file appropriate proceedings in accordance with law.

4. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

APRIL 28, 2025/r

[Click here to check corrigendum, if any](#)