

तारीख हुक्म	हुक्म या कार्यवाही मय इनिशियल्स जज Revision No. 124/2016/LR/Sriganganagar Prithviraj Vs. Brijlal	नम्बर व तारीख अहकाम जो इस हुक्म की तामील में जारी हुए
09.9.2016	<p style="text-align: center;"><u>S.B.</u></p> <p style="text-align: center;">Shri Satish Chand Kaushik, Member</p> <p><u>Present:</u></p> <p>Shri Brahmanand and Shri Pradeep Mehra : counsel for the petitioner. Shri Amritpal Singh Vanar : counsel for non-petitioners.</p> <p style="text-align: center;">- - -</p> <p>This revision petition has been filed under section 84 read with section 9 of the Rajasthan Land Revenue Act, 1956 (in short to be called "the Act") being aggrieved with the order of the learned Additional Collector (Administration), Sriganganagar dated 01.01.2016.</p> <p>Heard learned counsel for the parties on the application of preliminary objection filed by the learned counsel for non-petitioners.</p> <p>In this matter, Shri Amritpal Singh Vanar, advocate appeared for the non-petitioners and moved an application taking preliminary objection under section 84A of the Land Revenue Act and requested for dismissal of the petition inter alia on the ground that the impugned order of the learned Additional Collector (Administration), Sriganganagar dated 01.01.2016 is an interim order and does not come into definition of 'case decided' and no revision can be filed against such order because as per section 84A of the Land Revenue Act, no revision is maintainable against interim order. As such, he requested for dismissal of the revision on this ground alone.</p> <p>On the other hand, learned counsel for the petitioner argued that revision petition is maintainable because any order passed deciding the rights of the parties finally, cannot be said to be the interim order. If an</p>	

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	<p>application of injunction has been moved and it has been dismissed by final order, then that order cannot be treated as interim order because its effect is directly on suit and if the operation of that order is not stayed or revision has not been admitted, then in such a circumstance, it will affect the right of the petitioner and the land in dispute will be destroyed. And when the matter in issue is destroyed, then what will be the purpose of filing appeal or revision. Any order affecting the rights of the opposite party adversely and going into the root of the case, cannot be said to be an interim order. Learned counsel referred judicial pronouncement 1995 DNJ Rajasthan page 183 Smt. Sudha & anr. Vs. Manmohan & ors. and argued that the Hon'ble High Court of Rajasthan specifically defined the meaning of 'case decided' as under :-</p> <p style="padding-left: 40px;">"The expressions 'case decided' has received a liberal approach and takes in its fold any interlocutory order made or any order deciding an issue in the course of suit or other proceedings. But there cannot be a strait jacket formula as to when an interlocutory order may amount to a case decided. In my humble opinion, the expression 'case decided' includes interlocutory order also and if in exercising its revisional jurisdiction, a revisional court is satisfied that if the order impugned is allowed to stand it would occasion failure of justice or would cause irreparable injury to the party against whom it was made. The revisional court has jurisdiction to interfere with such order but not only on the basis of jurisdictional error. The expression 'case' used under explanation of amended Sec. 115 CPC has a wider meaning than the word 'suit'."</p> <p>The learned counsel also referred the judgment of the Board of Revenue in the case of Mahendra Vs. Surji Devi & ors. 2014-15 (Supplementary) RRT page 65. In that case, the Hon'ble Board specifically held that the Divisional</p>	

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	<p>Commissioner dismissed the stay petition pending appeal, order passed is a final order and revision is maintainable.</p> <p>After hearing the arguments of both the learned counsel, I am of the considered opinion that the meaning of 'case decided' is defined in the case of Smt. Sudha & anr. Vs. Manmohan & ors. (Supra) which specifically explained the definition and scope of the expression 'case decided' and there is no doubt that if any case is deciding the rights of the parties and going into the root of the matter and if it is allowed to continue, it will cause grave injustice or it will be detrimental to the interest of the petitioner, then it cannot be said to be interlocutory or interim order. In such a circumstance, the revision petition against that order will be maintainable. More so, if an order of injunction, pending suit or appeal has been decided finally, the effect of the order always goes to the root of the suit and in that case, if it is adversely affecting the matter in dispute, then in such a circumstance, the order will be treated as final order and will come into the definition of the 'case decided' and revision against that order will be maintainable.</p> <p>In view of above, the present revision petition is maintainable. The preliminary objection taken in the matter is not acceptable and liable to be rejected, hence rejected. Let the revision be decided on its own merit. Put up for arguments on merits.</p> <p>Pronounced.</p> <p style="text-align: right;">(Satish Chand Kaushik) Member</p>	