
(1953) 12 MAD CK 0010

In the Madras High Court

Case No : Civil Revision Petns. No's. 1039 and 1040 of 1952

Devulapalli Viswanadhan and another

APPELLANT

Vs

Mandava Basavaiah and others

RESPONDENT

Date of Decision : 18-12-1953

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 151, 152, 153

Citation : AIR 1953 Mad 928 : (1953) 2 MLJ 166

Hon'ble Judges : Ramaswami, J

Bench : Single Bench

Advocate : P.R. Ramachandra Rao and M.S. Ramachandra Rao, for the Appellant; M. Krishna Rao and J.V. Suryanarayana Rao, for the Respondent

Final Decision : Dismissed

Judgement

Ramaswami, J.—These are two civil revision petitions arising from two applications under Ss. 151, 152 and 153, Civil P. C. praying to

transpose the awards in O. S. Nos. 124 and 125 of 1946 and amend the decrees passed suitably on the ground of accidental slip or omission.

Permission was asked for adduction of evidence. The learned District Judge had jurisdiction to hear evidence to find out if the alleged mistake had

arisen accidentally as alleged entitling him to proceed under S. 151, C. P. C.: - "Ramasan Rai v. Raghunath Sahu", AIR 194C Pat 190 (A).

The learned Judge therefore followed the correct procedure, namely, he held that in order to find out whether there was such clerical slip or

omission he must be satisfied that the slip or omission occurred Either because it was obvious on the face of the record or on the evidence

adduced before him.

Therefore he directed that the arbitrators be examined and that oral evidence be

adduced. Chingoron Keloth Narayanan Nair Vs. Chingoron

Keloth Devaki Amma and Others, , was followed. It is at this stage that these revision petitions are filed and this is not the stage at which the High

Court will interfere.

There will be sufficient time for these petitioners to come here if after hearing the evidence the learned Judge passes orders and they feel aggrieved

by those orders. These civil revision petitions are dismissed. No costs in the peculiar individual circumstance of this case.

2. Before parting with this revision petition I must point out that even though this court has adopted the view that it has jurisdiction to interfere by

way of revision in an interlocutory matter or proceeding : - P.S.A.R.A.R. Arunachellam Chettiar Vs. Arunachellam Chettiar minor by guardian

Visalakshi Achi, (Mahabool Surfuzuvanthu Sri Rajah) Parthasarathy Appa Rao Savai Aswarao and Another Vs. Rajah Venkatadri Appa Rao and

Others, ; - M.J. Sheth and Co. Vs. Ramiza Bi and Another, and has interfered with wrong and illegal orders at any stage of a suit calling for

interference in revision, none can deny that the present is an instance of the abuse of such a liberal view and which if not checked in time will bring

the revisional Jurisdiction of the High Court into disrepute. It is frivolous revision petitions of this nature that clog the administration of Justice and

recall the well-known lines of Willock :

So slow is Justice in its ways Beset by more than customary clogs Going to law in these expensive days, Is much the same as going to dogs.

It is to be hoped that such petitions will not be filed in future.