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**(1974) 07 SHI CK 0008**  
**In the High Court Of Himachal Pradesh**  
**Case No : Civil Revision No. 1 of 1974**

Kamla Parshad

APPELLANT

Vs

Chuni Lal

RESPONDENT

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**Date of Decision :** 16-07-1974

**Acts Referred:**

Civil Procedure Code, 1908 (CPC) — Section 115

**Citation :** (1974) 3 ILR HP 651

**Hon'ble Judges :** R.S. Pathak, C.J

**Bench :** Single Bench

**Advocate :** Ramesh Chand, for the Appellant; P.N. Nag, for the Respondent

**Final Decision :** Dismissed

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## Judgement

R.S. Pathak, C.J.—This is a Defendant's revision petition u/s 115 of the CPC against an order of the learned Subordinate Judge 1st Class, Kangra, rejecting his application for further and better particulars.

2. The Plaintiff filed a suit for permanent injunction restraining the Defendant from interfering with the use of a passage between the respective houses of the parties. The Defendant applied to the trial court for better particulars of the passage in dispute. The trial court has rejected that application.

3. I have heard learned Counsel for the parties and I am not satisfied that this revision petition is maintainable. The impugned order of the learned Subordinate Judge does not amount to a "case decided" within the meaning of Section 115 of the Code. What is a "case decided" has been laid down by the Supreme Court in Baldevdas Shivilal and Another Vs. Filmistan Distributors (India) P. Ltd. and Others, . The Supreme Court observed:

A case may be said to be decided if the court adjudicates for the purposes of the suit some right or obligation of the parties in controversy.

An order rejecting an application for further and better particulars does not

decide any right or obligation in controversy between the parties. In my judgment, the revision petition is not maintainable.

4. The revision petition is dismissed. The Respondent is entitled to his costs.