

(1933) 08 AHC CK 0075

In the Allahabad High Court

Case No : Civil Revision No. 229 of 1933

Lala Raj Bahadur Khare and Another

APPELLANT

Vs

Lala Manmdhan Das alias Bachcha Ji

RESPONDENT

Date of Decision : 29-08-1933

Acts Referred:

Citation : (1933) 08 AHC CK 0075

Final Decision : Dismissed

Judgement

Kendall, J.—This is an application for the revision of an order of the Additional Subordinate Judge of Allahabad refusing to stay proceedings in a suit u/s 10, Code of Civil Procedure. A preliminary objection has been raised that no revision will lie because such an order as that passed by the Additional Subordinate Judge does not amount to a "case decided" and this question has been definitely settled by the decision in the case of L. Bal Krishna and Others Vs. Ram Kishun and Others This is a recent decision of a Bench of this Court on this vexed question. It has been pointed out by Mr. Sen that there is a conflict of opinion as to the meaning of the words "case decided" in Section 115 CPC and in fact there are few questions on which a greater variety of opinion has been expressed by different Courts. The case decided by the Bench in 1929 however was one in which the exact question raised in the present application was considered and decided, and it is so directly in point that I must hold myself to be bound by it. The result is that the preliminary objection succeeds and the application for revision is dismissed with costs.