
(1945) 02 BOM CK 0006

In the Bombay High Court

Case No : Civil Revision Application No. 233, 234, 235, and 236 of 1944

People's Own Provident and Gen. Insurance Co.

APPELLANT

Vs

Guracharya

RESPONDENT

Date of Decision : 23-02-1945

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 115

Citation : AIR 1946 Bom 200 : (1945) 47 BOMLR 852

Hon'ble Judges : Chagla, J

Bench : Single Bench

Judgement

Chagla, J.—This is an application in revision from an order made by the Debt Adjustment Board. A preliminary objection is taken by Mr. Hungund on behalf of the opponent that the application is not competent. The Debt Adjustment Board was set up under the Bombay Agricultural Debtors' Relief Act, 1939, and the question that arises for determination is whether it is a Court subordinate to the High Court in order to attract the application of Section 115 of the Civil Procedure Code, 1908. "Court" is defined under the Agricultural Debtors' Relief Act and, according to that definition, "Court" is either a District Court or a Court of the First Class Subordinate Judge to which an appeal lies against the award of a Board u/s 9. Mr. Sukhtankar has argued that Section 9 of the Act permits appeals to the District Court from awards made by the Board. That might give revisional powers to the High Court when the District Court decides the appeal; but the mere fact that a statute provides an appeal to a Court from a particular body does not necessarily make that body a Court. Mr. Sukhtankar has also relied on Section 7 of the Act which provides that the Board shall have the same powers as are vested in civil Courts under the Code of Civil Procedure. The very fact that the Legislature had to vest the Board with powers which a civil Court possesses goes to show that the Board is not a Court. The fact that similar powers which a civil Court possesses are given to this Board by the statute does not constitute it a Court.

2. I, therefore, hold that no revisional application lies from orders of the Debt Adjustment Board and this application is not competent.

3. The rule must, therefore, be discharged with costs.

4. A similar point arises in Civil Revision Applications Nos. 233, 235, and 236 of 1944. The rules on those applications will also be discharged. No order as to costs.