

(1998) 01 P&H CK 0127
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 4005 of 1997

Saint Kabir Education Trust	Vs	APPELLANT
Pritam Chahal		RESPONDENT

Date of Decision : 27-01-1998

Acts Referred:

Citation : (1998) 1 RCR(Civil) 679

Hon'ble Judges : Sat Pal, J

Advocate : Mr. R.S. Bains, Advocate., Advocates for appearing Parties

Judgement

Sat Pal, J.

1. This petition has been directed against the order dated 23.8.1996 passed by Civil Judge (JD), Fazilka. By this order the learned Civil Judge has dismissed the application filed by the petitioners/defendants under Order 6 Rule 5 CPC for directing the plaintiff to furnish better particulars relating to pleadings made in para 11 of the plaint. Notice of this petition was issued to the respondents.

2. Mr. Sandeep Jasuja, the learned counsel appearing on behalf of the respondents raised a preliminary objection that against the impugned order dated 23.8.1996, the revision petition under section 115 CPC was not maintainable as the impugned order did not determine or adjudicate right or obligation of the parties in controversy. In support of his submission, the learned counsel placed reliance on a Division Bench judgment of Calcutta High Court in Firm Ralya Ram Mela Ram v. Kalu Ram, AIR 1950 Calcutta 149. The learned counsel also submitted that the particulars called for by the plaintiff were neither necessary nor relevant for the purpose of preparing the written statement and as such there was no merit in this petition. In support of this submission he placed reliance on a judgment of the Karnataka High Court in A.H. Bhatt v. K.R. Picture Combines, AIR 1987 Karnataka 101.

3. Mr. Bains, the learned counsel appearing on behalf of the petitioners, however, submitted that the particulars called for by the defendants in the application filed

under order 6 Rules 5 CPC were relevant and necessary for the purpose of preparation of the written statement.

4. I have given my thoughtful consideration to the submissions made by the learned counsel for the parties and have perused the impugned order. In the case of Harvinder Kaur v. Godha Ram, 1979 PLJ 562, it was held by a Division Bench of this Court that

"A revision would lie against an interlocutory order only if it determines or adjudicates some right or obligation of the parties in controversy."

In the present case application filed by the defendants/petitioners under order 6 Rule 5 CPC for directing the plaintiffs to furnish better particulars relating to pleadings made in para 11 of the plaint has been rejected. Thus the impugned order passed by the learned trial court does not determine or adjudicate right or obligation of the parties in controversy. In view of the law laid down in the case of Harvinder Kaur (supra) revision petition under section 115 CPC shall not lie against such an order by which the request of the defendants for direction to the plaintiff to furnish better particulars has been rejected. Accordingly the revision petition is not maintainable. Here reference may be made to the case of Firm Ralya Ram Mela Ram (supra). In this case also it was held that an order rejecting an application for direction to the plaintiff to supply better particulars cannot be revised under section 115 CPC.

For the reasons recorded herein above, I hold that the present petition against the impugned Order dated 23.8.1996 is not maintainable. Accordingly, the petition is dismissed.