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**(1981) 02 DEL CK 0047**

**In the Delhi High Court**

**Case No :** Civil Revision Appeal No. 419 of 1979

Shafiq Ahmad and Others

APPELLANT

Vs

Shah Jehan Begum

RESPONDENT

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**Date of Decision :** 03-02-1981

**Acts Referred:**

**Citation :** AIR 1981 Delhi 202 : (1981) 20 DLT 214 : (1981) RLR 363

**Hon'ble Judges :** Sultan Singh, J

**Bench :** Single Bench

**Advocate :** D.L. Malhotra and I.S. Mathur, for the Appellant;

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## **Judgement**

Sultan Singh, J.

(1) The petitioner filed an application for injunction under order 39 Rules I and 2 read with section 151 of the CPC (hereinafter called "the Code" in the trial court in a suit filed by him. The injunction application was dismissed by the trial court by order dated 24th March, 1977. The petitioner filed an appeal before the Additional District Judge and his appeal was dismissed on 31st January, 1979. The petitioner Therefore filed the present revision u/s 115 of the Code. The revision was admitted on 17th August, 1979 and he was directed to file the certified copy of the order of the trial court as soon as it is available.

(2) This revision came up for hearing on 28th January, 1981. Learned counsel for the respondent raised the objection that the revision was barred by time as the certified copy of the trial court's order has not been filed. The matter was adjourned to 29th January, 1981 on which date Mr. Malhotra made an application, C.M. No. 305/1981 supported by an affidavit alleging that the certified copy of the order of the trial court was filed in this court four or five months back. The registry was Therefore directed to make search of the certified copy and to report, if any, such certified copy has been filed as alleged by the petitioner. The registry has reported that no certified copy of the order of the trial court has been filed in this revision petition. The net result is that this present

revision is without the certified copy of the trial court's order. Rule 7 of Chapter 1-A Vol. V of the Rules and Orders of Punjab High Court as applicable to this court provides that the petition for revision of an order of the appellate court shall be accompanied by a copy of the order of the court of the first instance. Without the filing of copy of the order of the first instance, the revision is not competent. The revision petition is Therefore held to be barred by time and is dismissed with no order as to costs.