

Code Of Civil Procedure (Orissa Amendment) Act, 2010

14 of 2010

[02 November 2010]

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AN ACT FURTHER TO AMEND THE CODE OF CIVIL PROCEDURE,
1908 IN ITS APPLICATION TO THE STATE OF ORISSA

BE it enacted by the Legislature of the State of Orissa in the Sixty-first Year of the Republic of India as follows :-

*. Published vide O.G.E. No. 1785 dated 2.11.2010 (w.e.f. 11.11.2010).

1. Short title and commencement :-

(1) This Act may be called the Code of Civil Procedure (Orissa Amendment) Act, 2010.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Amendment of Section 115 :-

In the Code of Civil Procedure, 1908, for Section 115, the following section shall be substituted, namely:-

"115. Revision -

(1) The High Court, in cases arising out of original suits or other proceedings of the value exceeding five lakhs rupees and the

District Court in any other cases, including a case arising out of an original suit or other proceedings instituted before the commencement of the Code of Civil Procedure (Orissa Amendment) Act, 2010 may call for the record of any case which has been decided by any Court subordinate to the High Court or the District Court, as the case may be, and in which no appeal lies thereto, and if such subordinate Court appears -

(a) to have exercised a jurisdiction not vested in it by law; or

(b) to have failed to exercise a jurisdiction so vested; or

(c) to have acted in the exercise of its jurisdiction illegally or with material irregularity, the High Court or the District Court, as the case may be, may make such order in the case as it thinks fit:

Provided that in respect of cases arising out of original suits or other proceedings of any valuation decided by the District Court, the High Court alone shall be competent to make an order under this Section.

(2) The High Court or the District Court, as the case may be, shall not under this section, vary or reverse any order, including an order deciding an issue, made in the course of a suit or other proceedings, except where the order, if it had been made in favour of the party applying for revision, would have finally disposed of the suit or other proceedings.

(3) A revision shall not operate as a stay of suit or other proceeding before the Court except where such suit or other proceeding is stayed by the High Court or District Court, as the case may be.

Explanation - In this section, the expression "any case which has been decided" includes any order deciding an issue in the course of a suit or other proceeding."