

(1980) 02 AHC CK 0065

Allahabad High Court

Case No: Civil Revision No. 1416 of 1979

Maheshwari Oil Mill

APPELLANT

Vs

Girjanath Durga Saran

RESPONDENT

Date of Decision: Feb. 26, 1980

Acts Referred:

- Civil Procedure Code, 1908 (CPC) - Order 11 Rule 1, 115

Citation: AIR 1980 All 265

Hon'ble Judges: Satish Chandra, C.J

Bench: Single Bench

Advocate: K.N. Tripathi, for the Appellant;

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Satish Chandra, C.J.

This revision is directed against an order refusing to give leave to the defendant to deliver interrogatories to the plaintiff,

2. Learned counsel for the plaintiff opposite-party raised a preliminary objection that the impugned order does not amount to case decided within the meaning of Section 115 C. P. C. He relies on Y. Venkateswara Rao v. K. Nagamma AIR 1972 Karn 254. There, after consideration of the Supreme Court decisions, the Court held that when the Court exercise its judicial discretion in granting or refusing to grant leave to deliver interrogatories, it cannot be said to be an adjudication of some right or obligation of the parties in controversy. The order does not amount to case decided. It is analogous to overruling or sustaining an objection to a question put to a witness. These are purely interlocutory orders which are not revisable.

3. Learned Counsel for the applicant relies upon AIR 1934 181 (Nagpur) . In that case, there is a passing observation that such an order amounts to case decided. No

reasons have been given. I am unable to agree with it, In my opinion, an order refusing to grant leave to a party to deliver interrogatories is not a case decided within meaning of Section 115, C. P. C.

4. This revision is accordingly dismissed with costs.