

Code of Civil Procedure, 1908

Section 115 - Revision

1[(1)] The High Court may call for the record of any case which has been decided by any Court subordinate to such High Court 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 may make such order in the case as it thinks fit:

2[Provided that the High Court shall not, under this section, vary or reverse any order made, or any order deciding an issue, in the course of a suit or other proceeding, 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[(2) The High Court shall not, under this section, vary or reverse any decree or order against which an appeal lies either to the High Court or to any Court subordinate thereto.

4[(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.]

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

1. Section 115 re-numbered as sub-section (1) of that section by Act 104 of 1976, section 43 (w.e.f. 1-2-1977).

2. Substituted by Act 46 of 1999, section 12(i), for the proviso (w.e.f. 01-07.2002). Earlier the proviso was Inserted by Act 104 of 1976 , section 43(a) (w.e.f. 01-02-1977)

3. Inserted by Act 104 of 1976, sec 43(b) (w.e.f. 1-2-1977).

4. Inserted by Act 46 of 1999, sec. 12(ii) (w.e.f. 1-7-2002).

