

Laxminarayanan Vs. Dr. Vinod and Another

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Court : Karnataka

Decided On : Apr-06-1999

Reported in : 1999(5)KarLJ25

Judge : Hari Nath Tilhari, J.

Acts : [Code of Civil Procedure \(CPC\), 1908](#) - Sections 107(2) and 115

Appeal No. : Civil Revision Petition No. 1020 of 1998

Appellant : Laxminarayanan

Respondent : Dr. Vinod and Another

Advocate for Def. : Sri Udaya Holla and ;Sri G.S. Bhat, Advs.

Advocate for Pet/Ap. : Sri Shanthakumar, Adv., for ;M/s. Vagdevi Associates

Judgement :

ORDER

1. This revision is directed against the order dated 21-1-1998 whereby the First Appellate Court while admitting the appeal, granted stay order as prayed in I.A. II filed before it.

2. I put the basic question to the learned Counsel for the revision petitioner how revision is maintainable from this order as stay order does not amount to a case decided. The learned Counsel for the revision petitioner emphatically tried to argue

that order is revisable.

3. On behalf of the respondent, my attention has been invited to a decision of this Court in the case of Katari Thippanna v S. Hastimul and Another, this Court has very clearly held that an order granting stay or vacating stay does not amount to a case decided.

4. As such, in my opinion, as the order impugned does not amount to a case decided, the revision is misconceived. No doubt, it was open to the applicant at that time to have filed an application for vacation of stay order. Anyway, revision petition being misconceived, it is dismissed herewith. Interim order, if any is vacated.

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