

Wazir Singh Vs. Nagar

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Court : Allahabad

Decided On : Mar-14-1934

Reported in : AIR1934All625

Appellant : Wazir Singh

Respondent : Nagar

Judgement :

Bennet, J.

1. This is an application for revision of an order by a Revenue Court to the following effect:

he arbitrator has not taken any evidence and has not determined any issue. This award is thus materially irregular. It is therefore sat aside.

2. This order was passed in a suit for arrears of rent amounting to Rupees 496-7-0. The Court was the Court of the Sub-Divisional Officer, that is, of an Assistant Collector of the First Class. The question is whether a revision lies in this Court under Section 253, Agra Tenancy Act, which states:

The High Court may call for the record of any suit or application which has been decided by any subordinate revenue Court and in which an appeal lies to the District Judge and in which no appeal lies to the High Court, etc.

3. Learned Counsel argued that the word 'application' might refer to the application for filing the award. But it appears to me that the words 'suit' and 'application' must be considered in the terms of Schedule 4, which is divided into groups A and 13, which are suits, and groups C, D, E and F, which are applications, and group G, which deals with appeals. Accordingly the word 'application' does not cover the proceeding of the lower Court. The proceeding before the Court was a suit and the suit has not been decided. Accordingly under the terms of Section 253 no application in revision lies to this Court. The application therefore is refused.

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