

Manohar Vs. Mangal Das

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Court : Allahabad

Decided On : Feb-04-1925

Reported in : AIR1925All800; 87Ind.Cas.351

Appellant : Manohar

Respondent : Mangal Das

Judgement :

Stuart, J.

1. The main question raised in these two applications in revision was whether in the particular circumstances of the revenue suit the District Judge had jurisdiction to hear the appeals. But, as a preliminary, it is necessary to decide in the first place. Has this Court any right to interfere with his order in revision?

2. There have been several decisions in this Court upon the latter point. The only Bench decision which has been placed before me is the decision in Gaj Kumar Chander v. Salamat Ali [1920] 42 All. 83. I was a member of the Bench which passed that decision. That decision laid down that this Court has no power to interfere in revision under Section 115 of the Civil P.C., or otherwise, with any order that has been passed originally or in appeal by a revenue Court or by a District Judge, in reference to questions decided under the provisions of the Tenancy Act, No. II of 1901.

3. Ordinarily this would conclude the matter; but it has been argued by the learned Counsel for the applicant that this decision would not affect a case in which the District Judge had patently no jurisdiction at all. It would not be proper for me to decide one way or another as to the District Judge's jurisdiction in this matter; it is enough to say that, in my opinion, the Bench ruling which I have quoted precludes me from entering into the matter.

4. I must, therefore, dismiss this application with costs on the higher scale.

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