

**Sheopal Singh Vs. Badri Singh**

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**Court :** Allahabad

**Decided On :** Feb-06-1917

**Reported in :** AIR1917All321(1); 38Ind.Cas.206

**Judge :** George Knox, J.

**Appellant :** Sheopal Singh

**Respondent :** Badri Singh

**Judgement :**

**George Knox, J.**

1. A preliminary objection is taken to the hearing of this application for civil revision. It is to the effect that as the plaintiff could appeal from the decree passed in the miscellaneous case Lal Bahadur Singh v. Sheopal Singh, this application should not be entertained. As a precedent for this contention I am referred to the case of Nand Ram v. Bopal Singh 16 Ind. Cas. 1 : 34 A. 592 : 10 A.L.J. 130. This Court held that an application under Section 115(622?) of the old Code of Civil Procedure cannot be entertained in the case of those interlocutory orders against which, though no immediate appeal lies, a remedy is supplied by Section 105, which provides that they may be made a ground of objection in appeal against the final decree. The new Code has made no alteration and this judgment, Nand Ram v. Bhopal Singh 16 Ind. Cas. 1 : 34 A. 592 : 10 A.L.J. 130, was in accordance with the previous precedents of this Court, see Farid Ahmed v. Dulari Bibi 6 A. 233 :

A.W.N. (1884) 45 : 3 Ind. Deo. (N.S.) 842, Sheo Prasad Singh v. Kastura Kuar 10 A. 110 : A.W.N. (188S) 26 : 6 Ind. Doc. (N.S.) 80, J.J. Guise v. Jaisraj 15 A. 405 : A.W.N. (1893) 172 : 7 Ind. Dec. (N.S.) 979.

2. I am bound by this precedent. The case is undoubtedly a very extraordinary one and I was asked to refer it to a Bench of two Judges. Having the above precedent, I am not prepared to send this civil revision to a Bench of two Judges and thus take up the time of the Court. The application is rejected. I make no order as to costs.

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