



UPRB010005022026

IN THE COURT OF DISTRICT JUDGE, RAE BARELI.

Presiding Officer:-Amit Pal Singh, HJS.UP05691

Civil Revision No.07 of 2026

- 1- Ashish Dayal Rai son of Late Rai Har Kishan Dayal, (Defendant No.1/1 in Original Suit No.46 of 1999);**
- 2- Smt.Vertika Rai wife of Sandeep Kumar, daughter of Late Rai Har Kishan Dayal (Defendant No.1/2 in Original Suit No.46 of 1999)**
both residents of Kothi A.B. Lal Dakshini Jahanabad, near Capital Cinema, Pargana Tehsil and District Rae Bareli;
-----Revisionists/Defendants

Vs.

- 1- Smt.Amrita Kaur wife of Late Daljeet Singh, resident of Kothi Amar Singh, Mohalla Amar Nagar, Pargana, Tehsil and District Rae Bareli;**
- 2- Smt.Harbans Kaur alias Munni Devi, aged about 55 years, widow o Late Sarvjit Singh;**
- 3- Karanjeet Singh aged about 27 years, son of Late Sarvjit Singh, residents of House No.9Ka/114, Subhash Nagar, Post Vrindavan, Telibagh Bijnor Tehsil Sarojini Nagar, District Lucknow.**
- 4- Smt. Laxmi, aged about 70 years, widow of Late Jagjeet Singh**
- 5- Gulab Singh, aged about 35 years S/o Jagjeet Singh**
- 6- Deepu Singh, aged about 30 years S/o Jagjeet Singh**
Residents of Kothi Amar Singh, Mohalla Amar Nagar, Pargana, Tehsil City and District Raebareli.
- 7- Surendra Jeet Singh, aged about 19 years, son of Late Jagdish Singh, Resident of Kothi Amar Singh, Mohalla Amar Nagar, Pargana, Tehsil and District Raebareli. Present Address Village Kharika, Telibagh, Tehsil Mohanlalganj, District Lucknow.**

(Original Plaintiffs of O.s.No.46 of 1999)

PROFORMA OPPOSITE PARTIES

- 8- State of Uttar Pradesh, through District Magistrate, Rae Bareli;**
- 9- Uttar Pradesh State Road Transport Corporation through Regional Director, Thedi Kothi, Lucknow.**
- 10- Executive Officer, Nagar Palika Parishad, Raebareli;**

- 11- **Triloki Bhojanalaya, through Sri Dinesh Chandra Trivedi, son of Sri Gaya Prasad Trivedi, Shop No. 1.**
- 12-**Shukla Provision Store, through Mool Chandra Shukla, son of Sri Keshav Dutt Shukla, Shop No. 2.**
- 13-**Modern Electricals, through Sri Rajesh Kumar Verma, son of Sri Babu Ram Verma, Shop No. 3.**
- 14-**Gujarati Namkeen Bhandar, through Proprietor Sri Madho, operated by his real brother Sri Ram Babu, son of Prayag Narayan, Shop No. 4.**
- 15-**Deep General Store, Sri Balhe Singh, son of Sri Sadanand, operated by his real brother Sri Vinda Prasad Singh, Shop No. 5.**
- 16-**Swami Sweets, through Proprietor Sri Agam Saran, son of Sri Anand Saran, Shop No. 6;**
- 17- **Roop Shri Printers, through Chaudhary Ayodhya Prasad, son of Sri Ram Sewak, Shop No. 7.**
- 18- **Anand Sweets, through Anand Prakash Gupta, son of Sri Hira Lal, Shop No. 8;**
- 19- **Ravi General Store, through Sri Vinda Singh, son of Sri Sadanand, operated by real brother Sri Balhe Singh, Shop No. 9.**
- 20- **Gupta Chat Bhandar, through Gaya Prasad Gupta, Shop No. 10.**
- 21-**Sri Pradeep Bajpai, son of Sri Sundar Lal Bajpai (Pan Shop), Shop No. 11.**
- 22- **Hira Pipe, through Sri Jawahar Lal, son of Sri Hira Lal, Shop No. 12.**
- 23- **Delhi Pipes House, through Sri Brij Kishore Jaiswal, son of Sri Ram Narayan Jaiswal, Shop No. 13.**
- 24- **Bajpai Misthan Bhandar, Sri Rajesh Bajpai, son of Sri Sundar Lal Bajpai, Shop No. 14.**
- 25- **Pan Shop, through Sri Raj Kishore Tiwari, son of Sri Sat Ram**

Tiwari, Shop Nos. 15 & 16.

**26- Dinesh Machinery Store, through Sri Chandra Bhan Jaiswal,
son of Sri Ram Narayan Jaiswal, Shop Nos. 17, 18 & 19.**

**27-Maa Durga Pan Bhandar, through Sri Dharm Chandra Gupta,
son of Sri Kashi Prasad Gupta, Shop No. 20.**

28-Rajesh Gupta, son of Radheshyam, Shop No. 22.

29/1-Jai Kumar, son of Late Lekhraj, Shop No. 21.

29/2- Dropadi Devi, wife of Pratap Amlani, aged about 47 years

29/3- Rajkumari, wife of Gyan Chand Amlani, aged about 45 years

29/4- Jayshri, wife of Kishan Lal Shakya, aged about 41 years

**29/5-Jaya Lakhwani, wife of Vasudev Lakhwani, aged about 38
years**

29/6- Vidya Devi, wife of Ram Lakhwani, aged about 36 years

29/7- Manju Devi, wife of Laxman Lakhwani, aged about 32 years

29/8- Sangeeta Tejwani, wife of Umesh Tejwani, aged about 30 years

29/9- Ajay Balocha, aged about 28 years, son of Late Shyam Das

**All residents of House No. 274, Firoz Gandhi Colony, City
Raebareli.**

**30-Sri Ram Das, present occupant of vacant shop is Vikas Tripathi
Shop No. 24.**

**31-Anand Singh Jagdhari, son of Late Ram Singh, Resident of Kothi
Babu Kismat Rai.**

(Other Defendants of Original Suit No.46 of 1999)

----O.Ps./Plaintiffs

J U D G M E N T

1- This Civil Revision has been preferred by the revisionists/defendants under Section 115 of the Code of Civil Procedure against order dated 06-10-2025 passed by the Civil Judge (Sr.Div.)/FTC, Rae Bareli, in Original Suit No.46 of 1999, Daljit Singh & Ors. vs. Rai Har Kishan Dayal & Ors., whereby application 270C has been rejected.

2- Brief facts arising out of the present civil revision are as follows :-

Defendant no.1/1 through his application 3C has stated that the learned court at comprised manifest error apparent on the fact of record by passing order dated 07-03-2025, ignored the fact that immediately since the plaintiff Daljit Singh died, the effect of his Vakalatnama, which was related to Advocate Vimlesh Awasthi, became infructuous expired and ceased immediately since the death of original plaintiff Daljeet Singh and without any authority, rights left against the original plaintiff, the deceased Daljeet Singh, the Advocate Vimlesh Awasthi, without any authority or rights to not press the admission of original plaintiff Daljeet Singh, after the eight years since the death of the original plaintiff Daljit Singh on the same day on 13-12-2024, when

the hearing of paper no.159A and its objection paper no.165C was fixed with wrong illegal and ulterior motive only to linger this bogus case, whereas Advocate Vimlesh Awasthi had been pleading for the plaintiff for about 5-6 years till his death, but he never pressed the document no.159 during the plaintiff's lifetime, which seems that he gave no instructions to not press the admission from the original plaintiff, while the hearing was fixed many times for the disposal of paper no.159A. It is also pertinent to mention that no Vakalatnama of deceased person have any enforcement which was earlier executed in the lifetime by the original plaintiff Daljeet Singh and after his death long period of eight years was passed and this illegal act of Advocate Vimlesh Awasthi was done on the admission on oath of deceased plaintiff and defending his illegal act under the shelter of infructuous and vitiated Vakalatnama, while he gave no power and right to write not press on paper no.159A of original deceased plaintiff Daljit Singh and this is tempering on record, which was ignored by the learned lower court and also this is not matter of further evidence as this the matter apparent on the face of courts record and ruing the period of the present learned courts tenure of post as FTC (SD) Rae Barel, because the learned the learned court at comprised manifest error apparent on the fact of record by passing order dated 07-03-2025, where ignored the fact and also the learned court is saying that this case is twenty five years old and wants to decide the case soon, on the other hand the learned lowr court is ignoring of original plaintiff Daljit Singh, who, himself, has admitting on oath that the disputed property is situated on the land number 163, 164, due to which the plaintiff cause of action fails and this admission is the important fact and consideration under the norms of Order 7 Rule 11 C.P.C. Application 255Ka, whereas immediately after the death of the original plaintiff Daljit Singh, his Vakalatnama became infructuous and got no legal importance and effect in relation to Advocate Vimlesh Awasthi and he does not have any right to tamper with the court record which is paper no.159Ka an admission on oath of original plaintiff Daljit Singh, now deceased, and in spite to take legal action against Advocate Vimlesh Awasthi, who is no more Advocate of original plaintiff Daljit Singh since he died as well as on the date of 13-12-2024, when Sri Vimlesh Awasthi, Advocate, illegally and without any right and power deliberately tampered the court's record by writing not press. These kind of illegal and negarious activities has been promoted arbitrarily, which is apparent on the face of court's record. Wherefore, it is respectfully prayed that the Hon'ble Court may be pleased to review the impuged order dated 07-03-2025 without prejudice and pass the order according to law by allowing the application no.255Ka under Order 7 Rule 11 C.P.C. for the sooner disposal of this 25 years old pending suit to save the valuable time of learned lower court.

03- The plaintiff no.1 has filed an objection (Paper No.271C) against the said application and has stated that the defendant's application (paper no.255C) under Order 7 Rule 11 C.P.C. has already been dismissed and prior to this, an application (Paper No.159A) had been filed by plaintiff no.1 Daljeet singh. That application was under Order 23 Rule 1 C.P.C., which has already been not pressed. The defendant no.1/1 believes that without a complete legal hearing and without the presentation of full evidence, the suit may be disposed off in his favour. Such a tendency is contrary to the judicial process. The application paper no.270C is defective and unlawful and therefore, deserves to be dismissed with costs.

04- The defendant no.1/1 has filed replication 273C on behalf of defendant no.1/1 against the objection of the plaintiff and has stated that the contents under Section 114 C.P.C. says that a review subject as aforesaid, any person considering himself aggrieved-

(a) By a decree or order from which an appeal is allowed by this code, but from which no appeal has been preferred;

(b) By a decree or order from which no appeal is allowed by this code, or (c) by a decision on a reference from a court of small causes may apply for a review of a judgment to the court which pass the decree or made the order, and the Court may make such order thereon as it think fit. So it is crystal clear that section 114 stand not only for the mistake but also to review whole of the order/judgment and there is sufficient reason and desire to obtain review of the order dated 07-03-2025 of the defendant no.1/1 as the learned court ignored the illegal and abinitio void 'not press' of the admission on oath of the dead plaintiff, whose Vakalatnama (power) ex-pired and became infructuous by the illegal wrong and criminal act of counsel of the plaintiffs and Sri Vimlesh Awasthi, who have no right to do so and now he wants to hide his misdeeds by misleading the court. Even the learned court does not have the right to ignore or encourage the illegal and criminal acts of the plaintiffs counsel while the learned court have complete right to rectify the ignorance and rectify the mistake apparent on the fact of record. The statement of the plaintiff's lawyer is very strange that he himself is violating the law and teaching the law to others. In such a situation, he cannot justify his illegal act by misleading the learned court.

05- The learned lower court after hearing the learned counsels for the parties and perusing the record, rejected the application 270C by giving this finding that application 270C prays to review order dated 07-03-2025. Application no.255C under Order 7 Rule 11 C.P.C. was decided on 07-03-2025 after hearing both the parties and the contentions regarding perpetual lease, locus standi etc. has been dealt in application 255 C, which has been decided on merits. Since, application 255 C has

been decided after considering the facts mentioned in application, there seems no prima facie error apparent on the record and rejected the application 270C vide order dated 06-10-2025. Being aggrieved by the aforesaid order, revisionists have preferred this Civil Revision.

06- Heard the learned Counsel for the revisionists/defendants and perused the impugned order and the record. None appeared for the respondents/plaintiffs for arguments.

07- The learned Counsel for the revisionists/defendants has submitted that the learned lower court has not applied its judicial mind while passing the impugned order and has rejected the application 270C moved by the revisionists/defendants arbitrarily.

08- The learned Counsel for the revisionists/defendants has submitted that paper no.159Ka dated 24-04-2008 supported with affidavit 160Ga was filed by the original plaintiff Late Daljeet Singh, wherein he has made an unequivocal admission on oath that the disputed shops/A.B.Market are situated on Gata Nos.163 and 164 of village Chak Bhikhampur and not on Gata No.165, contrary to the pleadings made in the plaint but the learned lower court has failed to consider this fact and rejected the application moved by the revisionists/defendants because after the death of Late Daljeet Singh on 23-10-2016 i.e. resulted in automatic termination of his VAKALATNAMA and after that the concerned engaged counsel of Late Daljeet Singh was not having any authority to endorse “Not Press” on paper no.159Ka. Hence, the order dated 13-12-2024 is illegal, void ab initio and revisionists/defendants has moved application 270C to recall that order but without considering above noted facts, the learned lower court has arbitrarily rejected the application 270C.

09- On the basis of above, the learned Counsel for the revisionists/defendants has submitted that the present civil revision deserves to be allowed and the impugned order deserves to be set-aside and the application 270C moved by the revisionists/defendants deserves to be allowed and the order dated 07-03-2025 deserves to be rejected.

10- On perusal of impugned order, it is crystal clear that the revisionists/defendants moved an application 255C under Order VII Rule XI C.P.C. and the court rejected that application by order dated 07-03-2025 and later-on, revisionists/defendants have moved the application 270C to review the order dated 07-03-2025 and the learned lower court, after discussing all the relevant facts and legal points has held that the application 255C was decided on merit by the learned lower court which

has never been challenged by the revisionists/defendants in Appellate Court and on account of that was become final and right to have review is only available for the error apparent on the record, but the revisionists/defendants have failed to show any such sort of error in the impugned order dated 07-03-2025, which was passed on application 255C under Order VII Rule XI C.P.C..

11- In view of the above facts and circumstances, the revisionists/defendants have failed to show any sort of illegality, irregularity or jurisdictional error in the impugned order dated 06-10-2025 as well as order dated 07-03-2025 for whose review application 270C was moved by the revisionists/defendants. Hence, present civil revision deserves to be dismissed and the impugned order passed by the learned lower court deserves to be confirmed.

ORDER

This Civil Revision is, hereby, dismissed and the impugned order dated 06-10-2025 passed by the Civil Judge (Sr.Div.)/FTC, Rae Bareli, in Original Suit No.46 of 1999, Daljeet Singh and others Vs. Rai Harkishan Dayal & others is, hereby, confirmed.

(Amit Pal Singh)
UP05691
District Judge, Rae Bareli.
07-04-2026

Judgment and order signed, dated and pronounced today in the open court by me.

(Amit Pal Singh)
UP05691
District Judge, Rae Bareli.
07-04-2026

Sarita