

Civil Revision No. 06 of 2025

Present: Abhijit Som,  
District Judge, Howrah.  
J.O. Code – WB01127

Order No. 02 dated 28.03.2025.

Record is put up on prayer.

The instant revisional application is filed in connection with an order passed in a suit under Section 6 of the Specific Relief Act.

Since no appeal shall lie against any order or decree passed in any suit under Section 6 of the Specific Relief Act, the plaintiff in the suit filed the instant revisional application.

Let the revisional application be admitted.

Issue notice upon the opposite parties.

Sec. 115 of the C.P.C. has underwent a change after the amendment of Code of Civil Procedure (Amendment Act, 1999) with effect from 01.07.2002. So, the power vested with the District Judge under Section 115-A by dint of West Bengal Act (15 of 1988), is under challenge.

Moreover, in extreme cases, the Court may interfere in Revision of an order or decree passed under Section 6 of the Specific Relief Act. In the event, the Court finds that there is no other remedy open to the petitioner or the learned Civil Judge has failed to exercise its jurisdiction vested in the Court by making grave injustice, then only question of interference may arise.

Perused the impugned judgement of the learned Trial Court. It prima facie appears that the petitioner has failed to prove in the Court below that she was physically in possession before her illegal dispossession. However, this Court finds that full-fledged hearing may be taken up in presence of both sides before passing any order in the instant revisional application.

Accordingly, no interim order is passed at this stage.

To date.

Dictated & corrected by me.

D. J.

District Judge, Howrah.