

GAHC010131572025



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRP/83/2025

PURVOTTAR SIMNTA RAILWAY KARMACHARI SANGH (PSRKS)
A REGISTERED TRADE UNION UNDER THE TRADE UNIONS ACT , 1926
BEARING REGISTRATION NO 721/1971 HAVING ITS REGISTERED OFFICE
AT QTR NO 136/B W W COLONY PANDU MALIGAON KAMRUP GUWAHATI
12 ASSAM REP BY ITS GENERAL SECRETARY MR PAULUSH MUSHAHARY

2: ANITA SINGH
PRESIDENT OF PURVOTTAR SIMANTA RAILWAY KARMACHARI SANGH
(PSRKS) R/O QTR NO 136/B W W COLONY PANDU MALIGAON KAMRUP
GUWAHATI 12 ASSAM

3: PAULUSH MUSHAHARY
GENERAL SECRETARY OF PURVOTTAR SIMANTA RAILWAY
KARMACHARI SANGH (PSRKS) R/O QTR NO 136/B W W COLONY PANDU
MALIGAON KAMRUP GUWAHATI 12 ASSA

VERSUS

JINTU HAZARIKIA
S/O LT PRAADIP HAZARIKA CLAIMING TO BE PRESEDENT OF
PURVOTTAR SIMANTA RAILWAY KARMACHARI SANGH (PSRKS) R/O
LAKHRA NEAR REGIONAL COLLEGE OF HEALTH SCIENCE PIN 781040
DIST KAMRUP METRO ASSAM

2:HARISH BHUYAN
S/O LT SURENDRA NATH BHUYAN CLAIMING TO BE SECRETARY
PURVOTTAR SIMANTA RAILWAY KARMACHARI SANGH (PSRKS) R/O
PUBINXARAPUR MIKIRGHULI WEST BORAGAON MALIGAON GUWAHATI
781011 DIST KAMRUP METRO ASSA

Advocate for the Petitioner : MR. R ALI, MR M BORO

Advocate for the Respondent : FOR CAVEATOR, MR. R SARMA,MR. B SARMA,MR. J K ROY

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 17.12.2025

- 1.** Heard Mr. R. Ali, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned counsel for the respondent.
- 2.** The learned counsel for the petitioner has submitted that the petitioner has preferred this instant revision application under Article 227 of the Constitution of India impugning the order dated 28.05.2025 passed by the Additional District Judge No. 3, Kamrup(M) in Misc. Appeal No. 1/2025. The learned counsel for the petitioner has submitted that the said appeal was preferred by the respondent side under Order 43 Rule 1(r) of the Code of Civil Procedure. He further submits that an order passed by the Appellate Court under Order 43 Rule 1(r) of the Code of Civil Procedure, 1908 is an interlocutory order and, therefore, proviso to Section 115 of the CPC bars any revision under the said provision. He submits that in such cases the remedy, a revision under Article 227 of the Constitution of India is available to the aggrieved person.
- 3.** He further submits that in the case of "***Surya Dev Rai Vs Ram Chander Rai & Ors***" reported in "***(2003) 6 SCC 675***", the Apex Court has held that an order disposing of an appeal against the order of a Trial Court whether confirming, reversing or modifying the order of injunction order is not amenable to revision under Section 115 of the Code of Civil Procedure, 1908. He submits that such an order can, however, be challenged under Article 227 of the Constitution of India.
- 4.** On this, the learned counsel for the respondent submits that the ruling cited by the learned counsel for the petitioner has been overruled by the Apex

Court in the case of “***Radhey Shyam & Anr. vs. Chhabi Nath & Ors.***” reported in “***(2009) 5 SCC 616***”.

5. On this, the learned counsel for the petitioner submits that he may be granted some time to go through the said rulings and make his submissions before this Court.

6. List this matter again on tomorrow i.e., 18th of December, 2025 at 2:00 PM.

JUDGE

Comparing Assistant