

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE NO: C.R.P. (SR) No.40425 of 2025

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFI CE NOTE
	12.09.2025	<u>JSR,J</u> This matter is listed under the caption 'for orders of Court' basing upon the objections raised by the Registry about the maintainability of the Civil Revision Petition filed by the petitioners/defendants aggrieved by the judgment and decree dated 02.06.2023 passed by the Principal Senior Civil Judge at Kothagudem in O.S.No.169 of 2015 in decreeing the suit exercising the powers conferred under Section 6 of the Specific Relief Act, 1963 (for short 'the Act'). Ms. P.K.Kalyani, learned counsel for the petitioners, submits that though the petitioners filed this Civil Revision Petition exercising the powers conferred under Article 227 of the Constitution of India, by virtue of the principle laid down by the Hon'ble Apex Court in Raj Shri Agarwal @ Ram Shri Agarwal v. Sudheer Mohan (Civil Appeal No.7266 of 2022, dated 13.10.2022), they are entitled to file a Civil Revision Petition invoking the provisions of Section 115 of the Code of Civil Procedure, 1908	

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		(for short 'C.P.C.'). Therefore, she seeks permission to convert the Civil Revision Petition under Article 227 of the Constitution of India into Section 115 of the C.P.C. This Court considered the submissions made by the learned counsel for the petitioners and perused the material available on record. In Raj Shri Agarwal @ Ram Shri Agarwal (<i>supra</i>), the parties invoked the jurisdiction under Article 227 of the Constitution of India. However, the Hon'ble Apex Court held that though the revision petition has to be filed under Section 115 of the C.P.C., to avoid further multiplicity, even the High Court is having power to convert the writ petition under Article 227 of the Constitution of India into revision under Section 115 of the C.P.C. In Sanjay Kumar Pandey and others v. Gulbahar Sheikh and others¹, the Hon'ble Apex Court held that the scope of Section 6 of the Act is summary in nature. The remedy of a person unsuccessful in a suit filed under Section 6 of the Act is having remedy of revision under Section 115 of C.P.C. The remedy of revision is available to the party but that is only by way of an exception on a case for	

¹ (2004) 4 SCC 664

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		interference being made out within the well settled parameters under Section 115 of C.P.C. In view of the above said judgments, this Court is of the considered view that the Civil Revision Petition filed by the petitioners is maintainable under Section 115 of the C.P.C. not by way of under Article 227 of the Constitution of India. Accordingly, learned counsel for the petitioners is permitted to convert the Civil Revision Petition filed under Article 227 of the Constitution of India into Civil Revision Petition filed under Section 115 of the C.P.C. Registry is directed to number the C.R.P. and post on 15.09.2025. _____ JSR,J pgp	

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