

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Civil Revision No. 15 of 2023

Ganesh Sahu, S/o Late Chamru Sahu, aged about 52 years by faith Hindu, by occupation, Agriculture and business, R/o Village Pithoria, P.O. & P.S. – Pithoria, District – Ranchi, Jharkhand.

... **Petitioner**

Versus

1. Rakesh Rajan, aged about 54 years, R/o Ashok Kunj, in front of Lions Club Ashok Nager, P.O. Ashok Nagar, P.S. – Doranda, District – Ranchi.
2. Smt. Sachan Devi Wife of Late Chamrn Sahu (Now deceased)
3. Sheobat Sahu S/o Late Chamrn Sahu
4. Madhu Sahu S/o Late Chamrn Sahu
O.P. No. 2 to 4, All are R/o Village – Pithoria, P.O. & P.S. – Pithoria, District – Ranchi.
5. Fudwa Devi wife of Sri Panchdeb Sahu D/o Late Chamrn Sahu, R/o Village – Manjhla Chumba, P.O. + P.S. – Giddi, District – Ramgarh.
6. Jitan Devi Wife of Sri Seobans Sahu, D/o Late Chamrn Sahu, R/o Village- Haratar, P.O.- Hinoo, P.S. Doranda, District-Ranchi.
7. Dulari Devi Wife of Sri Lalchand Sahu, D/o Late Chamrn Sahu, R/o Village – Adchoro, P.O. & P.S. – Nagri, Dist. Ranchi (Jharkhand).

... **Opp. Parties**

Coram: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner	: Mr. Jay Prakash Pandey, Adv.
For the Opp. Parties	: Mr. Satish Kumar Keshri, Adv.
	Mr. Sandip Singh Munda, Adv.
	Mr. Dhananjay Kumar, Adv.

Order No.22/Dated- 26.02.2026

1. Heard Mr. Jay Prakash Pandey, learned counsel for the petitioner as well as Mr. Satish Kumar Keshri, learned counsel for the opposite parties.
2. Through this civil revision, petitioner has challenged the order dated 15.03.2023 passed by the learned A.J.C- XVIII, Ranchi on an application filed by Rakesh Ranjan (O.P. No.1) under Order XI Rule 10(2) of the Code of Civil Procedure in Civil Appeal No. 158 of 2009 which was registered as Misc. Civil Application No. 106 of 2022 and learned Court below has allowed the application.
3. It appears that there is a partition suit and during the pendency of title appeal, one of the parties has sold the portion of land without permission of the Court. Thereafter, the vendee file

an application before the Appellate Court under Order I Rule 10(2) of the C.P.C. to array him as party in the said title appeal stating, *inter alia*, that suit property was sold to him by concealing the fact of *lis pendens* and by stating the fact that vendee has got the land in his share through amicable partition which was allowed, against which this revision has been preferred under Section 115 of the C.P.C.

4. Office has raised the preliminary issue regarding the maintainability of the revision application in light of the order dated 24.11.2008 passed by this Court in Civil Revision No. 29 of 2008.

5. On Submission of learned counsel for the petitioner that revision is maintainable in light of the judgment of Hon'ble Supreme Court rendered in *Radhey Shayam and Anr. vs. Chhabi Nath and Ors.* reported in (2015) 5 SCC 424, notice was issued vide order dated 12.04.2024 to the opposite parties who have appeared.

6. After hearing the parties and going through the judgments of *Radhey Shyam* (Supra), in my view, the judgments of Radhey Shayam deals with the scope of Article 227 of the constitution of India and also distinguish between Article 226 and 227 but doesn't annul the proviso to Sub-Section (1) of Section 115 of the C.P.C.

7. In view of the above this civil revision application is not maintainable. Learned counsel for the petitioner has liberty to convert this civil revision into an application under Article 227 of the Constitution of India within two weeks after the Holi holidays, if so advised, failing which this civil revision application stand dismissed without further reference to the bench.

(Pradeep Kumar Srivastava, J.)

Dated: 26th February, 2026
Sachin/

Uploaded on: 27/02/2026