

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPMS No.3133 of 2023 <u>Hon'ble Pankaj Purohit, J.</u></p> <p>Mr. Nikhil Singhal, learned counsel for writ petitioner.</p> <p>2. Petitioner challenges judgment and decree dated 19.09.2017 (Annexure No.1) passed by learned Judge, SCC Court/Civil Judge (S.D.), Roorkee (Haridwar) in SCC Suit No.14 of 2013, <i>Surendra Kr. v. Furkan Ahmed</i>, as also judgment and order dated 20.10.2023 (Annexure No.2) passed by learned Second Addl. District Judge, Roorkee (Haridwar) in SCC Revision No.11 of 2017, <i>Furkan Ahmed v. Surendra Kumar</i>.</p> <p>3. It is the contention of learned counsel for petitioner that while deciding the revision petition moved by petitioner-defendant, the Court below has committed a manifest illegality by treating the revision to have been filed u/s 115 C.P.C., although it was filed u/s 25 of the Provincial Small Cause Courts Act, 1887.</p> <p>4. It is argued that since the revision u/s 25 of the Provincial Small Cause Courts Act, 1887 is immediately after trial, the view of the Apex Court as well as of various High Courts, on the matter, is that such revision would be heard, more or less, like an appeal, and the Court hearing SCC revision would, accordingly, be enjoined to re-appreciate and re-assess the evidence brought about by the parties.</p>

		<p>5. I have gone through the impugned judgment and order passed by the Second Addl. District Judge, Roorkee. It is clear on its perusal that the revision has been treated as if filed u/s 115 Cr.P.C.</p> <p>6. In such view of matter, issue notices to the un-served respondents returnable within six weeks.</p> <p>7. List on 03.04.2023.</p> <p>8. In the meantime, the execution pursuant to the judgment and decree dated 19.09.2017 passed by the Judge, SCC/Civil Judge (S.D.), Roorkee, Haridwar in SCC Suit No.14 of 2013, <i>Surendra Kumar v. Furkan Ahmed</i>, shall remain stayed till the next date of listing.</p> <p style="text-align: right;">(Pankaj Purohit, J.) 07.12.2023</p> <p><i>RDang</i></p>
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