

ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT

Civil Revision No. 121/2020
M/s OGDCL
Vs
Ikram Ullah Tarar

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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27.07.2020 Malik Javed Iqbal Wains, Advocate.

Through the instant civil revision petition, petitioner assails order dated 29.11.2019 passed by the learned District Judge Islamabad-West, whereby his appeal was dismissed *in-limine*.

2. Heard. Record reveals that the petitioner filed suit for recovery of compensation of Rs.1520,433/- along with cost on 07.09.2015 which was dismissed by the learned Civil judge 1st Class, Islamabad-West, vide judgment and decree dated 25.10.2019 for want of evidence under Order XVII Rule 3 CPC. Against the said judgment and decree, petitioner filed appeal which was dismissed *in-limine* vide impugned order, hence, the instant civil revision petition.

3. The Civil Procedure Code (Amendment) Ordinance, 2019 (Ordinance No.XXII of 2019) was promulgated on 1st November 2019 which was superseded by the Civil Procedure Code (Amendment) Act, 2020 promulgated on 22.02.2020. The substitution of section 115 in both the enactments i.e. Ordinance, 2019 and Act, 2020, referred to above is contained in section 15, which reads as under:-

“115. Revision.---Any party aggrieved by an order under section 104, passed by the Court of District Judge or Additional District Judge in an appeal against an interlocutory order passed by a Civil Judge or Senior Civil Judge, as the case may be, may within thirty days of the said order may file a revision to the High Court on an obvious misapprehension of law or in respect of a defect in jurisdiction.”

4. The provision *ibid* clearly stipulates that any party aggrieved by an order under section 104 CPC passed by the court of District Judge or Additional District Judge in an appeal against an interlocutory order passed by a Civil Judge or Senior Civil Judge as the case may be, may file a revision within thirty days of said order to the High Court while under the erstwhile provision of section 115 CPC, any case which has been decided by any court subordinate to High Court and in which no appeal lies thereto, could be assailed through a revision petition.

5. Through the instant civil revision petition, petitioner assails order dated 29.11.2019 passed by the learned District Judge Islamabad-Wes which is not covered under Section 15 of the Act, 2020, referred to above. Consequently, the instant civil revision petition being not maintainable is accordingly dismissed. However, the petitioner would be at liberty to avail remedy available to him under the law, if so advised.

**(FIAZ AHMAD ANJUM JANDRAN)
JUDGE**

Suhail