

Before J. V. Gupta, J.

AMRITSAR IMPROVEMENT TRUST, AMRITSAR,—*Petitioner.*

versus

SHAM DASS,—*Respondent.*

Civil Revision No. 2378 of 1982.

October 17, 1983.

Punjab Town Improvement Act (IV of 1922)—Sections 59 and 65(3)—Provincial Small Causes Courts Act (IX of 1887) as amended by Punjab Act XX of 1975—Section 25—Award made under section 59—Application for execution filed under section 65(3) in the Court of Small Causes—Revision against the order of such Court—Whether competent in the Court of District Judge.

Held, that where the order is passed by the Court of Small Causes, revision against it is competent in the Court of District Judge in view of the provisions of section 25 of the Provincial Small Causes Courts Act, 1887 as substituted by the Provincial Small Causes Courts (Punjab Amendment) Act, 1975. Accordingly, the revision petition filed in the High Court is not maintainable.

(Paras 2 and 3).

Petition Under Section 115 CPC for revision of the Order of the Court of Shri S. K. Chopra, Judge Small Cause Court, Amritsar dated 23rd August, 1982 dismissing the objection petition and holding that the decree-holder is entitled to recover Rs. 10,160 as the balance of compensation and the interest. Let the amount be deposited by the Judgment-debtor i.e. Improvement Trust, Amritsar itself or through the Collector, Land Acquisition, Amritsar on or before 10th September, 1982 in Court, failing which the warrant of attachment returnable by 30th September, 1982, be issued in due process against both the judgment debtors.

H. S. Mattewal, Advocate, for the *Petitioner.*

H. L. Sarin, Advocate with M. M. S. Bedi, Advocate, for the *Respondent.*

JUDGMENT

J. V. GUPTA, J.

(1) The facts are not disputed. The Land Acquisition Tribunal, under section 59 of the Punjab Town Improvement Act, 1922 (hereinafter called the Act), made the award on November 30, 1975. On April 1, 1977, the decree-holder filed the execution application for realisation of the said amount with interest at the rate of 6 per cent, per annum from the date of the dispossession till the date of

the actual payment. The said application was filed under section 65(3) of the Act in the Court of the Small Causes as provided thereunder. The application was contested as it was pleaded that the decree-holder was not entitled to claim any interest. Ultimately, the Small Causes found that the decree-holder was entitled to recover Rs. 10,160.00 as the balance amount of compensation and interest. Dissatisfied with the same, the Improvement Trust has filed this revision petition in this Court.

2. At the time of the hearing, a preliminary objection was raised on behalf of the respondent that no such petition was competent in this Court. The order having been passed by the Small Causes Court, revision was competent in the Court of the District Judge in view of the provisions of section 2 of the Provincial Small Causes Courts (Punjab Amendment) Act, 1975, by virtue of which section 25 of the principal Act has been substituted. Section 2 of the said Act reads,—

Substitution of section 25 of Central Act 9 of 1887,—For section 25 of the Provincial Small Causes Courts Act, 1887, in its application to the State of Punjab (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

‘25. Revision of decrees and orders of Courts of Small Causes.—The District Judge, for the purpose of satisfying himself that a decree or order made in any case decided by a Court of Small Causes was accord-to law, of his own motion, or on the application of an aggrieved party made within thirty days from the date of such decree or order, call for the case and pass such order with respect there to as he thinks fit.’

3. After hearing the learned counsel for the parties, I find force in the preliminary objection raised on behalf of the respondent. In view of the substituted section 25 of the Provincial Small Cause Courts Act, 1887 the present revision petition filed in this Court is not maintainable.

4. Consequently, this revision petition fails and is dismissed. However, the petitioner may seek its remedy in accordance with law if so advised.