

ORISSA ACT 14 OF 2010

***THE CODE OF CIVIL PROCEDURE (ORISSA AMENDMENT)
ACT, 2010**

[Received the assent of the Governor on the 31st October, 2010
first published in an extraordinary issue of the *Orissa Gazette*,
dated the 2nd November, 2010 (No.1785)]

AN ACT FURTHER TO AMEND THE CODE OF CIVIL PROCEDURE,
1908 IN ITS APPLICATION TO THE STATE OF ORISSA

BE it enacted by the Legislature of the State of Orissa in the
Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Code of Civil Procedure
(Orissa Amendment) Act, 2010.

(2) It shall come into force on such date as the State
Government may, by notification, appoint.

Short title
and
commence-
ment.

Amendment
of
section 115.

2. In the Code of Civil Procedure, 1908, for section 115, the
following section shall be substituted, namely:—

*Revision.

115. (1) The High Court, in cases arising out of original suits
or other proceedings of the value exceeding five lakhs rupees and
the District Court, in any other cases, including a case arising out of
an original suit or other proceedings instituted before the
commencement of the Code of Civil Procedure (Orissa Amendment)
Act, 2010, may call for the record of any case which has been decided
by any Court subordinate to the High Court or the District Court, as
the case may be, and in which no appeal lies thereto, and if such
subordinate Court appears—

- (a) to have exercised a jurisdiction not vested in it by law; or
- (b) to have failed to exercise a jurisdiction so vested; or
- (c) to have acted in the exercise of its jurisdiction illegally
or with material irregularity,

the High Court or the District Court, as the case may be, may make
such order in the case as it thinks fit:

* [For the Bill, See *Orissa Gazette* Extraordinary dated the 2nd August,
2010 (No.1192) [I Legis-4/ 2010]

* Come into force w.e.f. 11th November, 2010 *Orissa Gazette*
Extraordinary No.1794 dated the 3rd November, 2010.

Provided that in respect of cases arising out of original suits or other proceedings of any valuation decided by the District Court, the High Court alone shall be competent to make an order under this section.

(2) The High Court or the District Court, as the case may be, shall not under this section, vary or reverse any order, including an order deciding an issue, made in the course of a suit or other proceedings, except where the order, if it had been made in favour of the party applying for revision, would have finally disposed of the suit or other proceedings.

(3) A revision shall not operate as a stay of suit or other proceeding before the Court except where such suit or other proceeding is stayed by the High Court or District Court, as the case may be.

Explanation—In this section, the expression “any case which has been decided” includes any order deciding an issue in the course of a suit or other proceeding.”