INTRODUCTION

Civil procedure code neither creates nor take away any right. It is intended to regulate the procedure followed by the civil court. The procedure must not be complex and the litigant must get a fair trial in accordance with the accepted principles of natural justice. Preamble of the code says that it was enacted to consolidate and amend the laws relating to the procedure to be followed in the civil court having civil jurisdiction in India. The main aim of CPC is to facilitate justice and seek an end to the litigation rather than provide any form of punishment and penalties. So some inherent powers are also given to the court to meet such circumstances according to the principles of natural justice, equity and good conscience.

In India we have three tier of judiciary. The district, High court and the Hon'ble supreme court of India. Every day so many cases are filed and each case having different circumstances. When hearing is going on different questions rises before the court and the court has to decide all the questions according to law. Some times such questions requires the opinion of Highcourt, such doubtful question can be cleared from the superior courts.

Meaning of reference

Reference is mentioned under sec113 of CPC. Where the subordinate court refers the case involving the question of law to the Highcourt for the opinion on that matter, reference is made to the Highcourt when it has reasonable doubt regarding any suit, appeal, execution proceeding etc. Reference means referring a case to Highcourt on a question of law.

Sec113 of civil procedure code

Sec113 empowers a subordinate court to state a case and refer the same to the Highcourt for its opinion. Such opinion can be sought when the subordinate court has a doubt on a question of law. so a reference can be made on a question of law only when the judge trying the case has a reasonable doubt about it.

No party to the suit has the right to apply for reference. It is only the subordinate court as the power of reference suomoto. Where there is doubt regarding the validity of any legal provision, for matters other than the validity of legal provision, the court is not found to refer to the Highcourt. A Tribunal or persona designate cannot be said to be a court and no reference can be made by them.

Object of reference

The underlying object for this provision is to enable subordinate court to obtain in non appealable cases the opinion of High court in the absence of a question of law that there by avoid the commission of an error which could not be remedied later on. Such provision also ensures that the validity of a legislative provision (Act, Ordinance or regulation) should be interpreted and decided by the highest court in the state and there wouldn’t remain any chance of misrepresentation. Reference should be made before passing of the judgment in the court.

Condition for reference

Order 46 Rule 1 requires the following condition for a subordinate court to make a reference:-
1. Suit or appeal must be pending in which the decree is not subject to appeal or a pending proceeding in execution of such decree.
2. There must arise a question of law in such suit, appeal or proceeding.
3. The court trying the suit or appeal or executing the decree must have a reasonable doubt on such question.

The subordinate court having a doubt on question of law may be divided into two classes.
1. The question related to the validity of any Act, Ordinance or regulation and.
2. Any other questions.

Under the second condition reference is optional, but in the first condition it is obligatory, if the following conditions are fulfilled
1. It is necessary to decide such question in order to dispose of the case.
2. The subordinate court is of the view that impugned Act, ordinance or regulation is ultra virus. It is also essential that only a court can make a reference on application of parties or suomoto, on its own discretion having fulfilled the above conditions. The apparent requirement of court to make sure such question must have been arisen between parties to the suit and hence port leaves no scope for reference on a hypothetical question which is based on pillars of may or might on a point likely to arise to in future. So it is clear that a reference can be made in a suit, appeal or execution proceeding pending before the court only when there is a doubt of law.

Power and duty of the Highcourt

The Highcourt has consultative jurisdiction in this regard. In deciding and dealing with it High court is not found to decide only the question of law in doubt, it can consider new aspects of law. So it is fully discretion of the Highcourt as mentioned Order 46 of the civil procedure code. It as discretion to refuse to answer the question are even power to quash it.

Review

The meaning of review:- It is the process of judicial reexamination of a case by the same court and by the same
The object of Sec 115 is to prevent subordinate court from acting arbitrarily, capriciously and illegally or irregularly in the exercise of their jurisdiction. The power of High court to see that the proceedings of the subordinate court are conducted in accordance with law and within the bounds of the jurisdiction and infirmerence of justice. It enables the High court to correct the error of jurisdiction committed by the subordinate court. This provision of revision provides an opportunity to the aggrieved party to get their non appealable orders rectified. Revisional power is exercised when no appeal lies to the High court. High court can exercised the revisional power even suomoto.

Limitation period
Limitation period for revision application is 90 days. The ground for revision will be mainly on jurisdiction.

Highlights
1. Reference is made by a subordinate court to the High court where there is doubt regarding the question of law.
2. Review is made by the same court which has passed the decree to rectify the mistake or error on the record.
3. Revision application is made only to High court when the decree passed by subordinate court is not in accordance with appropriate jurisdiction.

CONCLUSION
Application for review revision and reference do not deal with facts or evidence of the case they are only based on technical grounds. To err is human. Every human being commits a mistake. Judges are also human beings so there are chances for them to commit mistake. In such cases these provisions well help the judges in order to correct the mistakes. So Sec 113, 114, 115 of CPC embedded in the legal system in order to maintain the fairness and accuracy of the justice system.

REFERENCES
2. Sec 113 or. 46 rule CPC.
4. Phulkumari V state AIR 1957 All 495.
5. Ralia ram V Sadh ram AIR 1952 Papadu(1).
8. Nagaraj V state of Karnataka 1994 IIIJ 851 SC.
11. SK Roy V Board of Revenu AIR 1967 Cal 338.
14. Nagaraj V state of Karnataka 1994 ILDJ 851 SC.
18. CPC 1908.