

**IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA**

CMPMO No. 355/2026

Reserved on: 30.09.2026

Decided on: 06.10.2026

---

Jagtamba Devi

Versus

....Petitioner

Roshni Devi & ors.

...Respondents

---

**Coram:**

***The Hon'ble Mr. Justice Romesh Verma, Judge.***

*Whether approved for reporting?<sup>1</sup> Yes*

For the Petitioner: Mr. Ashwani K. Sharma, Advocate.

For the Respondents: Mr. Ajay Sharma, Sr. Advocate with Mr. Tarun Brakta, Advocate.

---

**Romesh Verma, Judge**

The instant petition arises out of the order, dated 08.04.2026, as passed by the learned Senior Civil Judge, Nurpur, District Kangra, H.P., whereby an application under Order VI Rule 17 of the CPC filed on behalf of the defendants/respondents seeking amendment of the written statement, came to be allowed.

2 The facts, as emerge in the present case, are that the present petitioner/plaintiff, Jagdamba Devi, filed a suit for

---

<sup>1</sup>Whether reporters of the local papers may be allowed to see the judgment? Yes.

vacant possession of the land comprised in Khata No. 59 min, Khatoni No. 107 min, Khasra No. 771/1 measuring 0.02.85 H.M. situated in Mohal Hatli, Mauja Thehar, Tehsil Nurpur, District Kangra, H.P., vide jamabandi, for the year 2012-13 on account of unauthorized and illegal possession of the defendants on the basis of the demarcation report dated, 30.12.2014. Further, decree for permanent prohibitory injunction was sought, restraining the defendants, their family members, relatives, masons, laborers, and attorneys from interfering in the ownership and exclusive possession, raising any sort of construction, cutting and removing the trees, and changing the nature of the suit land in any manner.

3           As per the case, as set up by the plaintiff, she is owner in possession of the land comprised in Khata No. 59 min, Khatoni No. 107 min, Khasra No. 771 measuring 0.09.45 H.M. situated in Mohal Hatli, Mauja Thehar, Tehsil Nurpur, District Kangra, H.P. Her husband was serving in Indian Army and the defendants, taking undue advantage of absence of her husband, encroached over the land bearing Khata No. 59, Khatoni No. 107, Khasra No. 771 on 30.06.2003, which has been shown in the demarcation report dated 30.12.2014 and the field book carried out by Naib Tehsildar Nurpur, District Kangra, as Khasra No. 771/1, measuring 0.02.45 H.M. She had objected to the forceful

act of the defendants, but they threatened her with dire consequences. As such, the possession of the defendants over the suit land is illegal, unauthorized, and that of trespassers, and they are not entitled to retain the same anymore.

4           It was averred that the defendants are headstrong persons and they have no regard for law. Though, the defendants were asked several times to admit the claim of the plaintiff and to hand over the vacant possession of the suit land, however, they are not ready to admit the claim of the plaintiff on one pretext or the other. Under such circumstances, the aforesaid suit was filed by the plaintiff for vacant possession of the suit land and decree for permanent prohibitory injunction.

5           The suit, as instituted by the plaintiff, came to be resisted by the defendants by filing written statement, wherein preliminary objections with respect to the maintainability, cause of action, locus standi, estoppel, etc. were raised and all the averments as made in the plaint were specifically refuted and denied. It was stated that the plaintiff has not approached the court with clean hands as she has concealed the fact that defendant No. 3, Susheel Kumar, earlier to demarcation case No. 50/NT/15, had taken demarcation of his land comprised in Khasra Nos. 762, 782/767, 769, 772, 773, 774, adjoining to the suit land against the plaintiff, and the said demarcation was

carried out by the Field Kanungo, Halqua Sadwan, in accordance with the instructions as laid down by the Financial Commissioner as well as the orders and Rules of this Court, which stood affirmed by the Assistant Collector 2<sup>nd</sup> Grade, Nurpur, on 09.09.2011. The husband of the plaintiff did not assail the said demarcation, which has attained finality.

6           It was contended that the demarcation report as well as the tatima showing the encroachment over the suit land on behalf of the defendants is totally incorrect, illegal, null and void, and thus, not binding on the rights of the defendants. It was stated that the defendants have challenged the alleged demarcation in the court of SDO Civil, Nurpur, by way of filing an appeal, which is still pending for adjudication. The defendants prayed for the dismissal of the suit, as filed by the plaintiff.

7           During the pendency of the suit, the defendants/respondents filed an application under Order VI Rule 17 of the CPC seeking amendment of the written statement on the ground that during the pendency of the suit, one Shakti Chand filed a correction application vide Missal. No. 9/21/S.O. titled as Shakti Chand vs. Karam Chand regarding correction of 'karukans' of Khasra Nos. 773, 774, 775, 762, 763, 764, and 765 situated in Mohal Hatli, Mauja Thehar, Tehsil Nurpur, District Kangra, in the court of Settlement Collector, Kangra at

Dharamshala. The Collector called the spot report from the field staff and while comparing the old and new 'aks mussavi', the field staff found that some area of old Khasra No. 328/1 has wrongly been included in the old Khasra No. 328/2, of which new Khasra No. 771, suit land, has been allotted in the present settlement operation. It was contended in the application that the field staff has also recommended that an area measuring 0.00.46 H.M. out of Khasra No. 771/1, which is wrongly recorded in the ownership and possession of the plaintiff during the present settlement operation, be taken out from her ownership and possession, and be recorded in the ownership and possession of Pawan Kumar and others. Therefore, the demarcation on the basis of which the present suit has been filed by the plaintiff on wrong 'aks mussavi' is not legally sustainable in the eyes of law. As such, the suit of the plaintiff is not legally maintainable. As per the defendants, these are the subsequent events which have taken place after the alleged demarcation during the pendency of the suit, therefore, they intend to amend the written statement.

8           The aforesaid application came to be resisted by the by the present petitioner/plaintiff by filing reply, wherein it was contended that the amendment application is not maintainable in its present form and the same has been filed just to prolong

the litigation and prejudice the rights of the plaintiff. The plaintiff prayed for the dismissal of the said application being not maintainable.

9           The learned trial court, vide its impugned order dated 08.04.2026, allowed the application as filed by the defendants. Now, the plaintiff, feeling aggrieved by the impugned order has filed the instant petition by invoking the provisions of Article 227 of the Constitution of India.

10           It is contended by Mr. Ashwani Kumar Sharma, learned counsel for the plaintiff/petitioner, that the impugned order as passed by the learned trial court is erroneous and liable to be quashed and set aside. He would submit that no case was made out by the defendants for the amendment of the written statement, therefore, the impugned order, is not sustainable in the eyes of law. He would submit that after accepting the present petition, the application as filed by the respondents/defendants for the amendment of the written statement deserves to be rejected.

11           On the other hand, it is contended by Mr. Ajay Sharma, learned Senior Advocate, assisted by Mr. Tarun Brakta, Advocate, for the defendants/respondents that this court, while exercising power under Article 227 of the Constitution of India, will not interfere with the well-reasoned order as passed by the

learned trial court. He would submit that the learned court below, after taking into consideration the provisions of Order VI Rule 17 of CPC, has rightly passed the impugned order as the trial in the present case has not yet commenced. He has submitted that the present petition, being devoid of any merit, deserves to be dismissed.

12 I have heard the learned counsel for the parties and have gone through the material available on record.

13 As noticed above, the petitioner/plaintiff has filed the suit against the defendants for vacant possession and permanent prohibitory injunction on the ground that when the husband of the plaintiff was serving in the Indian Army, the defendants, taking undue advantage of the absence of her husband, encroached over the suit land on 30.06.2003, which has been shown in the demarcation report dated 30.12.2014 and field book carried out by Naib Tehsildar, Nurpur, District Kangra, as Khasra No. 771/1 measuring 0.02.85 H.M.

14 The said suit, as instituted for vacant possession primarily on the strength of the demarcation report dated 30.12.2014, has been contested by the defendants on various grounds including the fact that the plaintiff has not approached the court with clean hands, thereby concealing the material fact that defendant No. 3, Susheel Kumar, earlier to the aforesaid

demarcation, had taken demarcation of his land adjoining to the suit land against the plaintiff, and others, which demarcation was carried out by the Field Kanungo, Halqua Sadwan, in accordance with the instructions of the Financial Commissioner, Govt. of H.P.

15           It has been fairly conceded by the learned counsel for the parties that the case is at the initial stage and the issues are yet to be framed therein, meaning thereby the trial is yet to commence in the present proceedings.

16           It is contended by the learned counsel for the petitioner that the impugned order as passed by the learned trial court is perverse and not sustainable as the provisions of Order VI Rule 17 do not allow a party to incorporate the pleadings, which are dehors the documentary evidence placed on record. He has submitted that in the correction application, which was filed by Shakti Chand against Roshni Devi, husband of the present petitioner, Pawan Kumar, had filed the objections before the Settlement Collector, Kangra, and the said objections were filed on 30.06.2025. The Naib Tehsildar, office of Settlement Officer, vide its office order dated 21.07.2025, on the basis of the objections, had directed the authority to re-inspect the spot after removing the objections as raised by Pawan Kumar. It has been contended that report has been called by the Naib Tehsildar,

therefore, merely on the basis of field report, the amendment which has been sought by the defendants is not legally permissible. He has further submitted that since final order is yet to be passed by the competent authority, therefore, only on the strength of the field report, the amendment ought not to have been permitted.

17           The provisions of Order VI Rule 17 of CPC read as follows:-

***“17. Amendment of pleadings.—The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties: Provided that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial.”***

18           Order VI Rule 17 of the CPC provides for the amendment of the pleadings in such a manner and on such terms as may be just and all such amendments shall be made as may be necessary for the purpose of determining the real question in controversy between the parties. Proviso (2) to Order VI Rule 17 further provides that no application for

amendment shall be allowed after the trial has commenced, unless the court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of the trial.

19           In so far as the principles which govern the question of granting or disallowing the amendment under Order VI Rule 17 CPC are concerned, these are well settled. Order VI Rule 17 of the CPC postulates amendment of the pleadings at any stage of the proceedings.

20           As far as the legal proposition qua the amendment of the written statement is concerned, it is well settled that the purpose and object of Order VI Rule 17 CPC is to allow either party to alter or amend its pleadings in such a manner and on such terms as may be just. The power to allow the amendment is wide and can be exercised at any stage of the proceedings in the interest of the justice on the basis of the guidelines as laid down by the Hon'ble Apex Court. Though, it is true that amendment cannot be claimed as a matter of right under all circumstances but it is equally true that the courts, while deciding prayer should not adopt hyper-technical approach. Liberal approach should be general rule. Certainly, the technicalities of the law should not be permitted

to hamper the courts in the administration of justice between the parties. The amendments are allowed in the pleadings to avoid uncalled for multiplicity of litigation. It is the consistent law that in amendment of written statement, the courts would be more liberal in allowing to amend the written statement than that of a plaint, as the question of prejudice would be far less in the former than in the latter and addition of new ground of defense or substituting or altering a defense or taking inconsistent pleas in the written statement can also be allowed.

21 As per the exposition of law as laid down by the Hon'ble Apex Court, it is open for the defendant to take even contrary stands or contradictory stands. The Hon'ble Supreme Court has repeatedly held that in allowing the amendment of the written statement, a liberal approach is the general view. Technicality of law should not be permitted to hamper the courts in the administration of justice.

22 In ***Pirgonda Hongonda Patil*** vs. ***Kalgonda Shidgonda Patil And Others***, ***AIR 1957 SC 363***, decided on 07.02.1957, it was held that all the amendments ought to be allowed which satisfy two conditions: (i) of not working injustice to the other side; (ii) of being necessary for the

purpose of determining the real question in controversy between the parties. Amendment should be refused only where the other party cannot be placed in the same position as if the pleadings had been originally correct, but the amendment would cause him an injury which could not be compensated with costs.

23           The Hon'ble Apex Court in case, titled as, ***Usha Balashaheb Swami and others vs. Kiran Appaso Swami & others, (2007) 5 SCC 602***, decided on **18.04.2007**, has reiterated the principle of law while relying upon the judgment of the Apex Court in ***L.J. Leach & Co. Ltd. vs. Jardine Skinner and Co. AIR 1957 SC 357***, whereby the Hon'ble Apex Court has held that courts are more generous in allowing amendment of the written statement as the question of prejudice is less likely to operate in that event. As per the judgment of the Hon'ble Apex Court in ***Usha Balashaheb Swami*** case (supra), even inconsistent pleas in the written statement can be allowed. In the judgment, the Hon'ble Apex Court has held that courts are more generous in allowing amendment of the written statement.

24           In the said judgment, the Hon'ble Apex Court has also held that while dealing with the nature of the amendment,

it was wrong on the part of the High Court to assume that by taking an inconsistent stand, the respondents would prejudicially affect the appellant's case. The Hon'ble Apex Court has held as follows:-

*“16. It is now well-settled by various decisions of this Court as well as those by High Courts that the courts should be liberal in granting the prayer for amendment of pleadings unless serious injustice or irreparable loss is caused to the other side or on the ground that the prayer for amendment was not a bonafide one. In this connection, the observation of the Privy Council in the case of [Ma Shwe Mya v. Maung Mo Hnaung](#) [AIR 1922 P.C. 249] may be taken note of. The Privy Council observed:*

*"All rules of courts are nothing but provisions intended to secure the proper administration of justice and it is, therefore, essential that they should be made to serve and be subordinate to that purpose, so that full powers of amendment must be enjoyed and should always be liberally exercised, but nonetheless no power has yet been given to enable one distinct cause of action to be substituted for another, nor to change by means of amendment, the subject-matter of the suit."*

*20. Such being the settled law, we must hold that in the case of amendment of a written statement, the courts are more liberal in allowing an amendment than that of a plaint as the question of prejudice would be*

*far less in the former than in the latter case [see B.K. Narayana Pillai v. Parameswaran Pillai (2000(1) SCC 712) and Baldev Singh & Ors. v. Manohar Singh (2006 (6) SCC 498)]. Even the decision relied on by the plaintiff in Modi Spinning (supra) clearly recognises that inconsistent pleas can be taken in the pleadings. In this context, we may also refer to the decision of this Court in Basavan Jaggu Dhobi v. Sukhnandan Ramdas Chaudhary (Dead) [1995 Supp (3) SCC 179]. In that case, the defendant had initially taken up the stand that he was a joint tenant along with others. Subsequently, he submitted that he was a licensee for monetary consideration who was deemed to be a tenant as per the provisions of Section 15A of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947. This Court held that the defendant could have validly taken such an inconsistent defence. While allowing the amendment of the written statement, this Court observed in Basavan Jaggu Dhobi's case (supra) as follows :-*

*"As regards the first contention, we are afraid that the courts below have gone wrong in holding that it is not open to the defendant to amend his statement under Order 6 Rule 17 CPC by taking a contrary stand than was stated originally in the written statement. This is opposed to the settled law open to a defendant to take even contrary stands or contradictory stands, the cause of action is not in any manner affected. That will apply only to a case of the plaint being*

*amended so as to introduce a new cause of action."*

21. *As we have already noted herein earlier that in allowing the amendment of the written statement a liberal approach is a general view when admittedly in the event of allowing the amendment the other party can be compensated in money. Technicality of law should not be permitted to hamper the Courts in the administration of justice between the parties. In the case of L.J. Leach and Co. Ltd. v. Jardine Skinner and Co. [AIR 1957 SC 357], this Court observed "that the Courts are more generous in allowing amendment of the written statement as the question of prejudice is less likely to operate in that event". In that case this Court also held "that the defendant has right to take alternative plea in defence which, however, is subject to an exception that by the proposed amendment the other side should not be subjected to serious injustice."*

22. *Keeping these principles in mind, namely, that in a case of amendment of a written statement the Courts would be more liberal in allowing than that of a plaint as the question of prejudice would be far less in the former than in the latter and addition of a new ground of defence or substituting or altering a defence or taking inconsistent pleas in the written statement can also be allowed, we may now proceed to consider whether the High Court was justified in rejecting the application for amendment of the written statement.*

25. *Since we have already held that in the case of amendment of a written statement, the defendant is entitled to take new defence and also to plead*

*inconsistent stand and in view of our discussions made herein above that by making the application for amendment of the written statement, admission was not at all withdrawn by the appellants nor a totally inconsistent plea was taken by the appellants in their application for amendment of the written statement, the High Court had failed to appreciate that by the proposed amendment, the appellants were not withdrawing their admission in respect of the half share in the ancestral property rather they only added that the plaintiff and defendant nos. 3 to 8 could be entitled to such share if they proved to be the legitimate children of Appasao (since deceased) who was entitled to half share in the property of late Veersangayya. That apart, it appears from the record that the written statement filed by the appellants was before the death of defendant no.1 (first wife of Appasao). After the death of defendant no.1, when plaintiff and defendant nos. 2 to 8 claimed themselves as heirs and legal representatives of defendant No.1, the appellants sought amendment of the written statement challenging the legitimacy of plaintiff and defendant nos. 2 to 8. In view of the discussions made herein above, we do not think that it was impermissible in law for the appellants to seek amendment of the written statement in the manner it was sought for.”*

25           As far as the contention of the learned counsel for the plaintiff/petitioner that the proposed amendment, if

allowed to be carried out, shall change the very basic structure of the written statement is concerned, for that, this Court is of the considered opinion that the amendment, which is trying to be incorporated in the written statement, is a matter of record, and that is yet to be proved by leading independent evidence by the defendants. It is well-settled principle of law that by merely incorporating a particular plea, the case of the defendants cannot be said to be proved. The trial is yet to commence in the present proceedings, and both the parties shall get an opportunity to place on record their stand in conjunction with the oral and documentary evidence.

26           As has been rightly pointed out by the learned senior counsel for the respondents that after incorporation of the amendment in the written statement, the plaintiff shall be granted an opportunity to rebut all the contentions which are sought to be raised in the amended written statement. It has further been contended by the learned senior counsel for the defendants/respondents that since the proposed amendment has occurred in the subsequent stage of the proceeding of the civil suit, therefore, the proposed amendment cannot be said to be belated in any manner. Even otherwise, the amendment sought to be incorporated in the written statement, being a matter of record, seems to be elaborating the defense of the defendants.

27           This court is of the opinion that the proposed amendment will not prejudice the rights of the plaintiff in any manner, and she shall get an opportunity to rebut the case of the defendants by filing the replication. Even otherwise, the amendment application reveals that the defendants intend to clarify and elaborate the written statement which has already been filed. Thus, the incorporation of the amendment in question on account of the subsequent developments, will not affect the merits of the case. Certainly, onus to prove pleadings sought to be incorporated lies on the defendants.

28           As has been rightly submitted by the learned senior counsel for the respondents that the pleadings which are required to be incorporated are to elaborate the stand of the defendants, and being the subsequent events the same are required to be brought on record. Whether the defense which is intended to be placed on record is legal or valid has to be determined by the learned trial court after recording the evidence by the respective parties.

29           As far as the provisions of Order VI Rule 17 of the CPC are concerned, as discussed above, prayer for amendment of the plaint and prayer for amendment of written statement stand

on different footings. The general principle is that the amendment of the pleadings cannot be allowed so as to alter materially or substitute the cause of action or the nature of the claim applies to the amendment of the plaint. It has no counterpart in the principle relating to the amendment of written statement. In a case of amendment of written statement, the courts will be more liberal in allowing the application than that of the plaint. Hence, addition of a new ground of defense or substituting or altering a defense or taking inconsistent pleas in the written statement can be allowed as long as the amended pleadings do not result in causing grave and irreparable prejudice to the plaintiff or displacing him/her completely, nor by seeking an amendment to the written statement would it be open to the party to wriggle out of an admission, as an admission is a material piece of evidence which would be in favour of the person who would be entitled to take advantage of that admission. Though in the case at hand, the defendants are trying to dislodge the plaintiff, who has instituted the suit for vacant possession on the strength of the demarcation report, however, by means of the amendment application, the defendants intend to place on record the fact that 'Aks-Sajra', on the basis of which the demarcation as was conducted is already under challenge.

this court to the report sent by the Assistant Collector, which certainly does not pertain to point No.1 as has also been held by the learned trial court that though the report has been sent back by the Assistant Collector to the field staff putting forth certain objections, but the same is not pertaining to the point No. 1. The amendment, as proposed by the defendants, is material for the adjudication of the controversy at hand, and it cannot be said that the same shall alter the very character of the defense as placed on record by them, or it shall prejudice the rights of the plaintiff. The suit is admittedly at the initial stage, and the plaintiff shall get an opportunity to file the replication to the amended written statement.

31           The power under Article 227 is limited to see that the Courts below function within the limits of their authority or jurisdiction. The High Court cannot interfere with the findings of fact recorded by the subordinate Court or Tribunal while exercising its jurisdiction under Article 227. The Hon'ble Apex Court has held that, over the last 50 years, it has consistently been observed that the limited jurisdiction of the High Court under Article 227 cannot be exercised by interfering with findings of fact or by setting aside the judgments of the courts below on merits.

32 Hon'ble Apex Court in **Civil Appeal No. 2226 of 2010**, titled **State of Haryana & others vs. Manoj Kumar**, decided on 09.03.2010 has held as follow:-

*"23. More than half a century ago, the Constitution Bench of this court in Nagendra Nath Bora and Another v. Commissioner of Hills Division and Appeals, Assam & Others AIR 1958 SC 398 settled that power under Article 227 is limited to seeing that the courts below function within the limit of its authority or jurisdiction.*

*24. This court placed reliance on Nagendra Nath's case in a subsequent judgment in Nibaran Chandra Bag v. Mahendra Nath Ghughu AIR 1963 SC 1895. The court observed that jurisdiction conferred under Article 227 is not by any means appellate in its nature for correcting errors in the decisions of subordinate courts or tribunals but is merely a power of superintendence to be used to keep them within the bounds of their authority.*

*25. This court had an occasion to examine this aspect of the matter in the case of Mohd. Yunus v. Mohd. Mustaqim & Others (1983) 4 SCC 566. The court observed as under:-*

*"The supervisory jurisdiction conferred on the High Courts under Article 227 of the Constitution is limited "to seeing that an inferior Court or Tribunal functions within the limits of its authority," and not to correct an error apparent on the face of the record, much less an error of law. for this case there was, in our opinion, no error of law much less an error apparent on the face of the record. There was no failure on the part of the learned Subordinate Judge to exercise jurisdiction nor did he act in disregard of principles of natural justice. Nor was the procedure adopted by him not in consonance with the procedure established by law. In*

*exercising the supervisory power under Article 227, the High Court does not act as an Appellate Court or Tribunal. It will not review or reweigh the evidence upon which the determination of the inferior court or tribunal purports to be based or to correct errors of law in the decision."*

26. This court again clearly reiterated the legal position in *Laxmikant Revchand Bhojwani & Another v. Pratapsing Mohansingh Pardeshi* (1995) 6 SCC 576. The court again cautioned that the High Court under Article 227 of the Constitution cannot assume unlimited prerogative to correct all species of hardship or wrong decisions. It must be restricted to cases of grave dereliction of duty and flagrant abuse of fundamental principles of law or justice, where grave injustice would be done unless the High Court interferes.

27. A three-Judge Bench of this court in *Rena Drego (Mrs.) v. Lalchand Soni & Others* (1998) 3 SCC 341 again abundantly made it clear that the High Court cannot interfere with the findings of fact recorded by the subordinate court or the tribunal while exercising its jurisdiction under Article 227. Its function is limited to seeing that the subordinate court or the tribunal functions within the limits of its authority. It cannot correct mere errors of fact by examining the evidence and reappreciating it.

28. In *Virendra Kashinath Ravat & Another v. Vinayak N. Joshi & Others* (1999) 1 SCC 47 this court held that the limited power under Article 227 cannot be invoked except for ensuring that the subordinate courts function within its limits.

29. This court over 50 years has been consistently observing that limited jurisdiction of the High Court under

*Article 227 cannot be exercised by interfering with the findings of fact and set aside the judgments of the courts below on merit.”*

33 To the similar extent, the Hon’ble Apex Court in **Civil Appeal No. 3072 of 2022**, titled as **Ibrat Faizan vs. Omaxe Buildhome Private Limited**, decided on 13.05.2022 has held as follows: -

*“14. In view of the above, in the present case, the High Court has not committed any error in entertaining the writ petition under Article 227 of the Constitution of India against the order passed by the National Commission which has been passed in an appeal under Section 58 (1) (a) (iii) of the 2019 Act. We are in complete agreement with the view taken by the High Court. However, at the same time, it goes without saying that while exercising the powers under Article 227 of the Constitution of India, the High Court subjects itself to the rigour of Article 227 of the Constitution and the High Court has to exercise the jurisdiction under Article 227 within the parameters within which such jurisdiction is required to be exercised.*

*14.1 The scope and ambit of jurisdiction of Article 227 of the Constitution has been explained by this Court in the case of Estralla Rubber v. Dass Estate (P) Ltd., (2001) 8 SCC 97, which has been consistently followed by this Court (see the recent decision of this Court in the case of Garment Craft v. Prakash Chand Goel, 2022 SCC Online SC 29). Therefore, while exercising the powers under Article 227 of the Constitution, the High Court has to act within the parameters to exercise the powers under Article 227 of the Constitution. It goes without saying that even while*

*considering the grant of interim stay/relief in a writ petition under Article 227 of the Constitution of India, the High Court has to bear in mind the limited jurisdiction of superintendence under Article 227 of the Constitution. Therefore, while granting any interim stay/relief in a writ petition under Article 227 of the Constitution against an order passed by the National Commission, the same shall always be subject to the rigor of the powers to be exercised under Article 227 of the Constitution of India.”*

34           This court is of the considered opinion that the learned trial court has passed a well-reasoned order and the same deserves to be upheld as it does not suffer from any illegality, irregularity or jurisdictional error. Ordered accordingly.

35           Consequently, in view of aforesaid exposition of law and discussion, the present petition, being devoid of any merit, is dismissed. Pending miscellaneous application(s), if any, shall also stand disposed of.

36           Before parting, it is made clear that any observation made here-in-above shall not be taken as an expression of opinion on the merits of the main case and the same shall be adjudicated upon uninfluenced by any observations made here-in-above, which are only for the purpose of the instant petition.

**06<sup>th</sup> October, 2026**  
(pankaj)

**(Romesh Verma)**  
**Judge**