

Ramkishor Agrawal S/o Late Shri Madho Prasad Agrawal Aged About 55 years R/o Village Akaltara, Police Station & Revenue District Janjgir Champa Chhattisgarh

Versus

Iswar Lal Nirmalkar S/o G.R. Nirmalkar Aged About 60 Years R/o Village Akaltara,
Police Station & Revenue District Janjgir Champa Chhattisgarh

---- Respondent

For Petitioner - Shri P.M. Shriwas, Advocate

Order On Board

08/07/2015

Heard.

1. This petition is, under Article 227 of the Constitution of India, arising out of order dated 27th of April, 2015 by which, the learned Trial Court has allowed time to file written statement in the matter of suit governed by the provision of Order XXXVII CPC.
2. Learned counsel for the petitioner submits that against the spirit of the provisions, the Court below has exceeded its jurisdiction in allowing further time to file written statement.
3. There is no specific bar under the provisions engrafted under Order XXXVII CPC to limit the power of the Court to extend time for filing reply beyond 10 days. In the absence of any specific bar, exercise of inherent jurisdiction in the interest of justice to provide one more opportunity to the defendant to file written statement neither suffers from any error of jurisdiction nor does cause miscarriage of justice warranting interference by this Court in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.
4. The petition has no merit and is accordingly dismissed.

Sd/-

Manindra Mohan Shrivastava

J U D G E

Rekha