

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 265 of 2015**

Ramnivas Agrawal son of Jodhraj Agrawal, aged about 69 years, Resident of Kanker (Annapurna Para) Tahsil Kanker, District Kanker, Chhattisgarh.

---- Appellant**Versus**

1. Smt. Rishi Kumari Agrawal widow of Late Krishna Kumar Agrawal, aged about 84 years, resident of village and Post Lakhanpuri, Tahsil Charama, District Kanker, Chhattisgarh, Now resident of Durg, Padmanabhpur MIG C/353, District Durg, Chattisgarh.
2. Nagar Palika Parishad, Kanker, through the Chief Municipal Officer, Nagar Palika Parishad Kanker, District Kanker, Chhattisgarh.

---- Respondents

For Appellant : Shri D.N.Prajapati, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Judgment on Board**Per Navin Sinha, Chief Justice****19/06/2015**

1. The present appeal arises from order dated 2.3.2015 passed in Writ Petition (227) No. 77 of 2015 in exercise of supervisory powers under Article 227 of the Constitution.
2. The writ petition was filed challenging the application of the plaintiff under Order XXVI Rule 2 of the Code of Civil Procedure, 1908 in a civil suit permitting recording of cross-examination by issuance of Commission.
3. No intra-court appeal will lie against an order passed by a Learned Single Judge in exercise of supervisory jurisdiction under Article 227 of the Constitution. Furthermore, the jurisdiction under Article 226 cannot be invoked

for the certiorari jurisdiction in view of the law laid down in (2015) 5 SCC 423 (Radhey Shyam v. Chhabi Nath) affirming (2003) 6 SCC 675 (Surya Dev Rai v. Ram Chandra Rai) aptly relied upon by the Learned Single Judge.

4. The office objection that the writ appeal is not maintainable is therefore upheld and the appeal is dismissed as not maintainable.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE