

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1231 OF 2015

Smt. Shevanti Ramayya Shetty & Ors.	.. Petitioners
Vs.	
Shah Premji Karubhai & Co.	.. Respondent

Mr. U.P. Bobade i/b Mr. S.M. Sabrad for petitioners.

Mr. Rohit Joshi holding for Ms. Gauri Godse i/b Mr. Ashok V. Jain for respondent.

**CORAM : K.R. SHRIRAM, J.
DATE : 2ND MARCH, 2015**

P.C.

1 Having perused the impugned order dated 13th January 2015, I see no reason why this Court should interfere therein. The jurisdiction exercised under Article 227 is supervisory in nature. It is exercised when the subordinate court has assumed the jurisdiction which it did not have or has failed to exercise the jurisdiction though available in a manner not permitted by law and failure of justice or grave injustice has occasioned thereby. The Court may also step in and exercise its supervisory jurisdiction if there is an error which is manifest and apparent on the face of the proceedings and grave injustice or gross failure of justice has occasioned thereby. (*Surya Dev Rai Vs. Ram Chander Rai & Ors.*¹). The function of High Court under Article 227 of the Constitution is limited to see that subordinate Court or

1 AIR 2003 SC 3044

Tribunal functions within its limit or authority and not to see whether the order passed by the Trial Court or Tribunal was the correct order or not. I find no perversity or infirmity in the order passed.

2 In the circumstances, the writ petition is rejected.

3 The counsel for the petitioners who are the original defendants state that the right of the petitioners to challenge the order to examine the photo-developer Mr.Dhansukh Mistry to be kept open. It is open for the petitioners to take all defence at the time of appeal. At the same time, it is also made clear that no view is expressed by this Court on the grounds raised by the petitioners in this petition and it is entirely open to the trial court to consider the same on its own merits.

(K.R. SHRIRAM, J.)