

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1927 of 2014

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1. Aman Kumar Son Of Pramod Rai Resident Of Village - Dighi Kalan,
P.S. Sadar Hajipur, District - Vaishali

.... Petitioner/s

Versus

1. Pawan Devi Daughter Of Late Ram Karan Rai Resident Of Village -
Dighi Kalan, P.S. Sadar Hajipur, District - Vaishali
2. Kaushalya Devi Daughter Of Late Ram Karan Rai Resident Of Village -
Dighi Kalan, P.S. Sadar Hajipur, District - Vaishali
3. Kamala Devi Daughter Of Late Ram Karan Rai Resident Of Village -
Dighi Kalan, P.S. Sadar Hajipur, District - Vaishali
4. Pramod Rai Son Of Late Ram Karan Rai Resident Of Village - Dighi
Kalan, P.S. Sadar Hajipur, District - Vaishali
5. Amod Kumar Rai Son Of Late Ram Karan Rai Resident Of Village -
Dighi Kalan, P.S. Sadar Hajipur, District - Vaishali
6. Mandhar Kumar S/O Amod Kumar Rai Resident Of Village - Dighi
Kalan, P.S. Sadar Hajipur, District - Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 12-01-2016 Heard learned counsel for the petitioner.

By this application, under Article 227 of the Constitution of India, the petitioner is challenging the order dated 24.10.2013 passed by the District & Sessions Judge, Vaishali at Hajipur, in Probate Case No. 01 of 2013, whereby the application filed by the petitioner for permission to deposit the required court fee in installment has been rejected.

Since the court below after hearing the petitioner has rejected his prayer, the same cannot be interfered with in

supervisory jurisdiction as it is settled principle of law that the supervisory jurisdiction cannot be exercised like a *“bull in a China shop”* as has been held in the case of *Jai Singh and others Vs. Municipal Corporation of Delhi and another* reported in *2010 (9) SCC 385*. The Hon’ble Supreme Court further held that this correctional jurisdiction can be exercised in cases, where orders have been passed in grave dereliction of duty or in flagrant abuse of fundamental principle of law or justice. Here, it is not the case of the petitioner that he is not able to pay the court fee, but the prayer has been made for fixing an installment to deposit the court fee, which is entirely on the discretion of the court.

In such view of the matter, for exercising supervisory jurisdiction, this Court cannot take another view. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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