

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7265 of 2014

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Ashok Kumar Mandal

.... Petitioner/s

Versus

Smt. Renu Devi & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 17-02-2016

Heard learned counsel for the petitioner.

This application under Article 227 of the Constitution of India has been filed by the petitioner for a direction to the Principal Judge, Family Court, Bhagalpur to finally decide the Matrimonial Case No.08 of 2011 within specified period.

So far this relief claimed by the petitioner in judicial side of the High Court is concerned, it may be mentioned here that the Hon'ble Supreme Court in the case of **Radhey Shyam & Anr vs Chhabi Nath & Ors (2015) 5 SCC 423** has held that all courts in the jurisdiction of a High Court are subordinate to it and subject to its control and supervision under Article 227. Control of working of subordinate courts in dealing with their judicial orders is exercised by way of appellate or revisional powers or power of superintendence under Article 227. While appellate or revisional

jurisdiction is regulated by statutes, power of superintendence under Article 227 is constitutional. Despite the curtailment of revisional jurisdiction under Section 115 CPC by Act 46 of 1999, jurisdiction of the High Court under Article 227 remains unaffected. Now, therefore, in view of the decision of the Supreme court the order against which no forum is provided for appeal or revision under the statute that can only be examined/supervised under Article 227 of the Constitution of India.

It may be mentioned here that under Article 227 of the Constitution of India the High Court also administratively supervises the function of the court below but so far the judicial supervision is concerned, unless the order is passed by the court below no general direction as prayed for by the petitioner in this writ application can be granted and, therefore, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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