

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CIVIL MISCELLANEOUS JURISDICTION No.183 of 2016**

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Smt. Suman Goyal @ Suman Lata Goyal

.... .... Appellant/s

Versus

The Food Corporation of India & Anr

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Manoj Kumar Sinha

For the Respondent/s : Mr. Prabhakar Tekriwal

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR  
SAHOO**

**ORAL ORDER**

2 17-05-2016

Heard the learned senior counsel, Mr. N.K.Agrawal for the petitioner and the learned counsel, Mr. Shashi Dhar Jha for the respondents.

By this application under Article 227 of the Constitution of India, the petitioner is challenging the order dated 02.12.2000 passed by Sub Judge XIII, Patna in Money Suit No.165 of 1996. By that order, the petitioner has been substituted in place of her husband, who was the proprietor of the firm, respondent No.2.

The Hon'ble Supreme Court in the case of **Shalini Shyam Shetty and another v. Rajendra Shankar Patil, (2010) 8 Supreme Court Cases 329** has held that where the High Court exercises its jurisdiction under Article 227, such exercise is entirely discretionary and no person can claim it as a matter of right.

In the present case, the substitution has been made as far

back as in the year 2000 on the death of husband of the petitioner, who was admittedly the proprietor of the firm, who is respondent No.2.

Therefore, the order passed by the Court below cannot be said to be an order passed in the manner not permitted by law or it occasioned failure of justice. Therefore, in supervisory jurisdiction, after 16 years, I am not inclined to interfere with the order, as such, this writ application is dismissed.

**(Mungeshwar Sahoo, J)**

Saurabh/-

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