

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6116 of 2015

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1. Chandan Kumar S/o Late Ram Jee Ram, R/o Village- Mohalla Jawahar Tola, P.S Nawada Ara, District- Bhojpur.

.... Petitioner/s

Versus

1. Kamal Kumar
2. Raj Kumar Ram both S/o Late Ram Jee Ram
3. Sheo Ratri Kumari
4. Kumari Shashi Kala
5. Soni Kala Kumari all daughter of Late Ram jee Ram All R/o village- Mohalla Jawahar Tola, P.S Nawada Ara, District- Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumari Jyoti

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 28-03-2016 This application under Article 227 of the Constitution has been filed by the petitioner for issuance of a direction to Sub- Judge-1, Bhojpur at Ara to dispose of Succession Case No. 55 of 2014 at the earliest and not to grant long adjournment. The Hon'ble Supreme Court in the case of Radhey Shyam –v- Chhabi Nath, (2015) 5 SCC 423 has held that despite the curtailment of revisional jurisdiction under Section 115 CPC, the jurisdiction of the High Court under Article 227 remains unaffected and has not resulted in expanding the High Court's power of superintendence. Therefore, in view of this decision the order against which revisional jurisdiction has been curtailed, the

High Court can exercise supervisory jurisdiction under Article 227 of the Constitution. If prior to curtailment by the amendment of CPC no revision application was maintainable for a direction to the court below to dispose of the Suit as early as possible,how this direction can be given in exercise of supervisory jurisdiction of the High Court which has not been expanded. Therefore, this writ application under Article 227 of the Constitution for the relief claimed is not maintainable.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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