

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7659 of 2015

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Tulsi Kumar Saw

.... Petitioner/s

Versus

Punam

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 21-01-2016

Heard learned senior counsel Mr. Baxi S.R.P. Sinha of
behalf of the petitioner.

This application under Article 227 of the Constitution of India has been filed by the husband-petitioner for specific direction to the District Judge, Jehanabad and to the Principal Judge, Family Court, Jehanabad to dispose of Matrimonial Case No.119 of 2010 in a time frame that may be fixed by the Court.

So far this relief is concerned, it may be mentioned here that while exercising the jurisdiction under Article 227 of the Constitution of India this Court do not exercise original jurisdiction. The Hon'ble Supreme Court in the case of Radhey Shyam Vs. Chabi Nath (2015) 5 Supreme Court Cases 423 has held that all the Courts in the jurisdiction of a High Court are subordinate to it and subject to its control and provision 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. Therefore, in view of this decision the High Court can examine the judicial orders passed by the Civil Court. The Hon'ble Supreme Court further held that 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 and has not resulted in expanding the High Court's power of superintendence. In view of this, now supervisory jurisdiction can only be exercised to examine order of a Civil Court, if no appeal or revision is provided against that order. For over all general direction as prayed in this writ application under Article 227, the supervisory jurisdiction cannot be exercised. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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