

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11737 of 2014

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Rameshwar Choudhary & Ors

.... Petitioner/s

Versus

Chandra Bhushan Paswan @ Bhushan Paswan

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Atul Kumar Pandey

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 11-02-2016

Heard the learned counsel, Mr. Atul Kumar Pandey for
the petitioners.

By the impugned order dated 19.04.2014 passed by
learned Munsif, Hilsa in Execution case No.10 of 2000 rejected
the pleader commissioner's report and directed to appoint further
pleader commissioner.

It appears that against the pleader commissioner's
report earlier defendants have filed writ application before the
High Court. Earlier the report of the pleader commissioner was
accepted by the Court below. The defendant filed writ application
before the High Court. The High Court set aside the said order of
the Court below on the ground that it is non-speaking order and
judicial mind was not applied and, therefore, the Court below was
directed to pass a fresh order. Now, after hearing both the parties,
the Court below found that there is no scientific measurement and,
therefore, set aside the report of the pleader commissioner and

directed that the pleader commissioner be appointed afresh.

The Hon'ble Supreme Court in the case of **Jai Singh and others v. Municipal Corporation of Delhi and another, (2010) 9 Supreme Court Cases 385** has held that the exercise of supervisory jurisdiction must be within the well-recognized constraints. It cannot be exercised like a "bull in a china shop", to correct all errors of judgment of a court, or tribunal, acting within the limits of its jurisdiction. This correctional jurisdiction can be exercised in cases where orders have been passed in grave dereliction of duty or in flagrant abuse of fundamental principles of law or justice."

In the present case, when the Court below earlier accepted the report, the defendant filed writ application wherein this Court found that the Court below accepted without speaking order and, therefore, it was remanded. Now, the Court below rejected the said application.

In such circumstances, the order passed by the Court below cannot be interfered with in exercise of supervisory jurisdiction.

Thus, this writ application is dismissed.

Saurabh/-

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(Mungeshwar Sahoo, J)