

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No. 102 of 2016

1. Dr. Narayan Prasad Kashyap S/o Ramji Lal Kashyap, Aged About 74 Years R/o B- 232, Agyeya Nagar, Bilaspur, Civil and Revenue District Bilaspur (Chhattisgarh)
2. Smt. Anubha Singh, W/o Dabar Singh, Aged About 36 Years R/o B- 232, Agyeya Nagar, Bilaspur, Civil and Revenue District Bilaspur (Chhattisgarh), Presently R/o SE - 508, CSEB Colony (East), Korba, District Korba (Chhattisgarh)

---- Appellants

Versus

Dabar Singh S/o Late Noman Singh, Aged About 40 Years R/o AF- 3, Sanjay Apartment, Vyapar Vihar Road, Bilaspur, Civil and Revenue District Bilaspur (Chhattisgarh)

---- Respondent

For Appellants	:	Dr. N.K. Shukla, Senior Advocate with Ms. Vijaylaxmi Soni, Advocate
For Respondent	:	Shri Ravindra Agrawal, Advocate

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Judgment on Board

Per Navin Sinha, Chief Justice

25/2/2016

1. The present appeal arises from order dated 19.1.2016 in Writ Petition (227) No. 37 of 2016. The Appellants assail the order of Learned Single Judge granting extension of time for filing written statement on payment of costs by the specified date holding that the time limit prescribed under Order 8 Rule 1 of the Code of Civil Procedure was directory and not mandatory.
2. The Chhattisgarh High Court (Appeal to Division Bench) Act, 2006 in the Proviso to Section 2 specifically provides that no appeal shall lie against an order passed in exercise of supervisory jurisdiction under Article 227 of

the Constitution of India.

3. In view of the pendency of Civil Suit No.242-A of 2014 between the parties, the Learned Single Judge had exercised its supervisory jurisdiction under Article 227 of the Constitution.

4. The appeal is therefore held to be not maintainable. It is open for the Appellants to pursue such other remedies as may be available in the law. The appeal is dismissed as not maintainable.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE