

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 366 of 2016**

Dharam Prakash Saraf S/o Late Shri K.Anand Saraf @ Khatanand Saraf, Age 57 years, R/o Q. No. E-22, 15 Block, SECL Colony, Korba, Tahsil and District Korba, Chhattisgarh.

---- Appellant**Versus**

Satya Prakash Saraf S/o Late Shri K. Anand Saraf @ Khatanand Saraf, age 52 years, R/o Q. No. M-1174, Adarsh Nagar, SECL Colony Kusmunda, Tahsil Katghora, District Korba, Chhattisgarh.

---- Respondents

For Appellant : In Person.
For Respondent : None.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board**Per Deepak Gupta, Chief Justice****23/08/2016**

1. This writ appeal is directed against the order dated 02.12.2015 passed by the learned Single Judge in Writ Petition (227) No. 1008 of 2015 filed by the present Petitioner.
2. The Petitioner had challenged the order of the Civil Court invoking supervisory jurisdiction of this Court under Article 227 of the Constitution of India.
3. It is not disputed that the Petitioner had filed the Petition under Article 227 of the Constitution of India. The writ petition filed by the Petitioner was rejected by the learned Single Judge. The Petitioner who appears in person submits that this appeal is maintainable against the said order.

4. We are unable to agree with the submission of the Petitioner. Section 2(1) of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006 reads as follows:

“2. Appeal to the Division Bench of the High Court from a judgment or order of one judge of the High Court made in exercise of original jurisdiction. - (1) An appeal shall lie from a judgment or order passed by one Judge of the High Court in exercise of original jurisdiction under Article 226 of the Constitution of India, to a Division Bench comprising of two Judges of the same High Court:

Provided that no such appeal shall lie against an interlocutory order or against an order passed in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.”

5. The proviso clearly states that no appeal shall lie against an interlocutory order passed in exercise of supervisory jurisdiction under Article 227 of the Constitution. Hence, the appeal is rejected as not maintainable.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE

Sd/-

(Sanjay K. Agrawal)
JUDGE