

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (227) No.648 of 2016

Smt. Kavita, D/o. Saroj Kumar Manna, (W/o. Samiran Das), aged about 39 years, Caste Kayasth, Occupation-Service, Teacher, D.A.V. School, R/o. Purana Market Bachel, Post Bachel, District South Bastar Dantewada (CG)

---- Petitioner

Versus

Samiram Das, S/o K.C. Das, aged about 41 years, caste Kayasth, Occupation-Service, N.M.D.C. R/o. Purana Market Bachel, Post Bachel, District South Bastar Dantewada (CG)

---- Respondent

For Petitioner : Mr.Shrawan Agrawal, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

18/11/2016

1. By the order impugned, the trial Court has rejected the application filed by the petitioner/defendant for framing additional issues.
2. Against which, this writ petition under Article 227 of the Constitution of India has been filed by the petitioner/defendant.
3. After hearing learned counsel appearing for the petitioner, after perusing the record and taking into consideration the order passed by the trial Court, I do not find any jurisdictional error in the order impugned declining frame additional issues and thereafter rejected the application for review finding no error apparent on the face of record.
4. Applying its earlier decision in **Surya Dev Rai v. Ram Chander Rai**¹ and **Shalini Shyam Shetty v. Rajendra Shankar Patil**², the Supreme Court in **Sameer Suresh Gupta through PA Holder v. Rahul Kumar Agarwal**³ has held that supervisory

1 (2003) 6 SCC 675

2 (2010) 8 SCC 329

3 (2013) 9 SCC 374

jurisdiction under Article 227 of the Constitution is exercised for keeping the subordinate courts within the bounds of their jurisdiction. When a subordinate court has assumed a jurisdiction which it does not have or has failed to exercise a jurisdiction which it does have or the jurisdiction though available is being exercised by the court in a manner not permitted by law and failure of justice or grave injustice has occasioned thereby, the High Court may step in to exercise its supervisory jurisdiction. It has also been held that supervisory jurisdiction or certiorari jurisdiction is not available to correct mere errors of fact or of law unless the following requirements are satisfied : (i) the error is manifest and apparent on the face of the proceedings such as when it is based on clear ignorance or utter disregard of the provisions of law, and (ii) a grave injustice or gross failure of justice has occasioned thereby. The power to issue a writ of certiorari and the supervisory jurisdiction are to be exercised sparingly and only in appropriate cases where the judicial conscience of the High Court dictates it to act lest a gross failure of justice or grave injustice should occasion.

5. Accordingly, the writ petition filed under Article 227 of the Constitution of India deserves to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-