

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (227) No.468 of 2016

Pankaj Soni, aged about 29 years, S/o Mahesh Kumar Soni,
R/o Village-Kharod, Post-Kharod, Thana-Shivarinarayan,
District-Janjgir-Champa (CG)

---- Petitioner

Versus

Smt.Neha Soni, aged about 21 years, D/o Santosh Soni,
W/o Pankaj Soni, At present R/o Deepika, Thana-Deepika,
Quarter No.MIG-1292 Pragati Nagar, District-Korba (CG)

---- Respondent

For Petitioner : Mr.Bharat Rajput, Advocate
For Respondent : Mr.Amit Sharma, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

28/11/2016

1. By the impugned order, the Family Court, Janjgir has rejected the application filed by the petitioner for taking CD (Compaq Disc) on record.
2. Against which, this writ petition under Article 227 of the Constitution of India has been filed by the petitioner.
3. Learned counsel appearing for the petitioner would submit that the Family Court has committed illegality in rejecting the application.
4. On the other hand, learned counsel appearing for the respondent would submit that case has already been fixed for final arguments.
5. Applying its earlier decision in **Surya Dev Rai v. Ram**

Chander Rai¹ and **Shalini Shyam Shetty v. Rajendra Shankar Patil²**, the Supreme Court in **Sameer Suresh Gupta through PA Holder v. Rahul Kumar Agarwal³** has held that supervisory 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

¹ (2003) 6 SCC 675

² (2010) 8 SCC 329

³ (2013) 9 SCC 374

grave injustice should occasion.

6. Having heard learned counsel for the parties and having perused the impugned order, this Court does not find any such illegality or perversity committed by the Family Court which would warrant exercise of jurisdiction under Article 227 of the Constitution of India.
7. Accordingly, the writ petition filed under Article 227 of the Constitution of India deserves to be and is hereby dismissed. No order as to cost(s).

Sd/-

(Sanjay K Agrawal)
Judge

B/-