

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 690 of 2016**

- M/s KJV Alloy Conductors Pvt. Through, Director, F/5, Premium Plaza Complex, 1st Floor, Dharampeth, Nagpur-10

---- **Petitioner****Versus**

- South Eastern Coalfields Limited, Through its Chairman-cum-Managing Director, Head Office – Seepat Road, Bilaspur (CG)

---- **Respondent**

For Petitioner	: Shri Ravindra Sharma, Advocate.
For Respondent	: Shri Shailendra Shukla, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****18/11/2016**

1. The petitioner/defendant is challenging the order passed by the trial Court allowing the respondent/plaintiff's application under Order 7 Rule 14 read with Section 151 CPC granting leave to submit documents.
2. It is argued that the plaintiff has failed to submit documents along with plaint or before the examination of witnesses, therefore, the documents have been submitted after recording the statement of PW-1 N.K. Sahu and thus the application is not bona fide and has been preferred to fill up the lacunae in the case.
3. While deciding the application, the trial Court has observed that the reason assigned for not submitting the documents earlier appears to be bona fide and that the documents are relevant and necessary for proper

adjudication of the subject matter of the suit.

4. In a proceeding under Article 227 of the Constitution of India, the High Court would not substitute the satisfaction of the trial Court while granting leave to submit documents at the subsequent stage of the suit if the trial Court, who is in seisin of the entire matter, is of the opinion that the document would assist it in proper adjudication of the suit, no exception could be found and in any case, this Court would not sit over the said satisfaction of the trial Court as appellate Court and re-evaluate the entire issue for different finding.
5. In **Surya Dev Rai Vs. Ram Chander Rai**¹, **Shalini Shyam Shetty Vs. Rajendra Shankar Patil**² and **Sameer Suresh Gupta through PA Holder Vs. Rahul Kumar Agarwal**³ the Supreme Court 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 grave injustice should

¹ (2003) 6 SCC 675

² (2010) 8 SCC 329

³ (2013) 9 SCC 374

occasion.

6. For the foregoing, this Court does not find any substance in this writ petition, which deserves to be and is hereby dismissed.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve