

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 746 of 2016

- M/s Teja Electricals Through : the Director Shri Rajesh Tejawani, R/o Phase-II, Plot No.42, Siltara Industrial Area, Siltarai, District Raipur (C.G.)

---- Petitioner

Versus

- M. Chalpati Rao, Proprietor, M/s Ratnam Industries, HIG-18, Maruti Enclave, Tatibandh, Raipur (C.G.)

---- Respondent

For Petitioner	:	Shri Vikram Singh, Advocate.
For Respondent	:	None

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

13/12/2016

Heard on admission.

2. The petitioner has filed this petition under Article 227 of the Constitution of India challenging the order dated 09.09.2016 passed by the 7th Additional District Judge, Raipur, whereby the Court below has rejected the application as filed by the petitioner/defendant under Order 11 Rule 12 and 14 of the Code of Civil Procedure.

3. While rejecting the application of the petitioner, it has been observed by the trial Court that the plaintiff cannot be compelled to file a particular document and he has to stand on his leg for proving his case. It has also been observed by the Court below that it is the will of the plaintiff to file his document to establish his case before the trial Court.

4. All that apart, in the matters of **Surya Dev Rai Vs. Ram Chander Rai (2003) 6 SCC 675**, **Shalini Shyam Shetty Vs. Rajendra Shankar Patil (2010) 8 SCC 329** and **Sameer Suresh Gupta through PA Holder Vs. Rahul Kumar Agarwal (2013) 9 SCC 374** it has been consistently held by the Apex Court that supervisory 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 fact of the proceedings such as when it is based on clear ignorance or utter disregard of the provisions of law, and
- (II) grave injustice or gross failure of justice has occasioned thereby.

It is further held by the Apex Court that issuance of writ of certiorari in exercise of supervisory jurisdiction should be resorted to 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. Thus considering the aforesaid factual and legal position, there appears to be no illegality or perversity in the order impugned passed by the Court below warranting interference by this Court in exercise of the jurisdiction under Article 227 of the Constitution of India.

6. Accordingly, the writ petition filed under Article 227 of the Constitution of India deserves to be and is hereby dismissed at the admission stage itself.

Sd/-

(Pritinker Diwaker)

JUDGE