

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (227) No. 177 of 2017

1. Krishna Nand Singh S/o Shri R.B. Singh, Aged about 36 years.
2. Smt. Shikha Singh W/o Shri Krishna Nand Singh, aged about 33 years, Both are R/o Kedarpur, Near Water Tank, Ambikapur, PS & Tehsil Ambikapur, District Surguja (CG).

---- Petitioners

Versus

1. Atul Dubey S/o Vijay Nath Dubey, Aged About 38 Years R/o Pratappur Road, Ambikapur, District Surguja (Chhattisgarh)
2. Meena Dubey W/o Atul Dubey, R/o Mahamrityunjay Bhawan M.I.P. 3/12/134, Nehru Nagar Riwa (Madhya Pradesh)
3. The State Of Chhattisgarh, Through : The Collector, Surguja, District Surguja (Chhattisgarh).

---- Respondents

For Petitioners	:	Shri SC Verma, Advocate.
For Respondent/State	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

03/03/2017

1. The present petition has been preferred against the order dated 07.02.2017 passed by the 5th Additional District Judge, Ambikapur, in Civil Suit No.1-A/2010. Vide the said order, the court below has rejected certain applications which have been filed by the petitioners in respect of calling of certain witnesses to prove their case particularly the police authorities and the documents seized by the police authorities.
2. The applications of the petitioners have been rejected by the court below while passing a speaking order discussing the matter in details.
3. This petition has been filed to exercise the extraordinary supervisory jurisdiction of this court under Article 227 of the Constitution of India.
4. It is a settled position of law that while exercising the powers under Article 227 of the Constitution of India, all that this court has to see is whether the

order passed by the court below was within its powers conferred upon it and that it is not in excess of the jurisdiction conferred upon the court. This court does not find either of the ground available to the petitioner to assail the said impugned order. Further, the court below has also while rejecting the application has given the reasons and have discussed the contentions raised by the petitioners in the application.

5. It is also as well settled principle of law that this Court, in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India, should refrain itself from interfering with the order passed by the Court below, except in such cases where perversity, illegality, irregularity or jurisdictional error is writ large on the face of the record, which is not there in the present case.
6. The petition has no merit and the same is accordingly dismissed in limine.

Sd/-
(P. Sam Koshy)
Judge