

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 75 of 2017**

1. Transport Corporation of India Limited, Head Office-Corporation Office T.C.I. House No.69, Institutional Area, Sector 24 Gudgaon, (Haryana), PIN 122207
2. Transport Corporation of India Ltd. Freight, Department of Transport Corporation of India Ltd. Branch Office- Registered Office Flat No.30&307, 1.8.271-273, 3rd Floor Ashoka, Bhopal Chambers, S.P. Road, Secunderabad PIN 500003 (Andhra Pradesh)
3. Transport Corporation of India Ltd. through Rakesh Singh, aged about 50 years, Regional Manager, Kolkata Range NEW CI Road, Near Kareti Bazar, Kolkata, (West Bengal) PIN 7000073
4. Transport Corporation of India Limited T.C.I. Department of Freight through Zonal Manager, G.E. Road N.H. 6, Tatibandh, Raipur, Tahsil and District Raipur (C.G.), PIN 492010
..... Defendants

---- Petitioners**Versus**

Rajesh Sharma, son of Ram Nivas Sharma, aged about 35 years, Occupation Transporter/Loading, Proprietor-N.R. Crane Services, Raipur (C.G.) Office Shri Karnataka Road Line, Ring Road No. 2, Tatibandh, Raipur, Tahsil and District Raipur (C.G.)
.... Plaintiff

---- Respondents

For Petitioner: Mr. Y.C. Sharma, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****25/01/2017**

(1) The petitioner's application filed under Section 24 of the Code of Civil Procedure has been rejected by the District Judge, Raipur finding no merit, against which the instant writ petition under Article 227 of the Constitution of India has been filed challenging the same.

(2) Having heard learned counsel appearing for the petitioner, having perused the order dated 28.11.2016 passed by District Judge, Raipur rejecting the petitioner's application filed under Section 24 of the CPC, I do not find any illegality in the order impugned warranting interference by this Court in this petition.

(3) 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 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

1 (2003) 6 SCC 675

2 (2010) 8 SCC 329

3 (2013) 9 SCC 374

justice or grave injustice should occasion.

(4) Accordingly, the writ petition being devoid of merit is liable to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-