

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.1041 of 2017

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed challenging the Docket Order dt. 20.01.2017 in O.S.No.272 of 2008, whereby the trial Court granted one month time to the petitioner herein to prefer a revision against the findings of the Court in directing the defendant to restrict further cross examination, on the objection raised by the plaintiff's counsel and adjourned the matter to 21.02.2017.

The above said Order is under challenge now on various grounds, mainly contending that the trial Court cannot restrict the right of cross examination to any extent or to adduce any evidence and that the Order of the trial Court is contrary to the law.

Though the Order is passed on 20.01.2017, it is only to enable the petitioner to prefer a revision within one month time and adjourned the matter for further cross examination. Therefore, there is no error in the Order granting adjournment at the request of the petitioner himself warranting interference of this Court while exercising jurisdiction under Article 227 of the Constitution. The petitioner, no doubt, is entitled to file a revision against the findings recorded in the cross examination, if he is aggrieved, and in fact, the trial Court granted adjournment to enable the petitioner to prefer revision against the finding recorded in the deposition. In such a case, the

petitioner is not the aggrieved party against any Order dt. 20.01.2017.

The power of this Court under Article 227 of the Constitution of India is supervisory in nature and this Court can interfere with the orders passed by subordinate courts or tribunals only when subordinate Courts or tribunals failed to exercise jurisdiction or where exceeded their jurisdiction or exercised jurisdiction illegally or irregularly conferred on them. Time and again scope of Article 227 of the Constitution of India came up for consideration before the Apex Court and the Apex Court laid down certain principles. It is well settled that High Court can exercise supervisory jurisdiction under Article 227 of the Constitution of India to keep subordinate Courts or tribunals within the boundaries of their jurisdiction. The Apex Court, in *State, through Special Cell, New Delhi v. Navjot Sandhu @ Afshan Guru and others (2003) (6) SCC 641*, examined the power of High Court to interfere with Orders of subordinate Courts or Tribunals in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India. In the light of the law laid down by the Apex Court, it is abundantly clear that this Court can exercise only its jurisdiction in exceptional circumstances which is supervisory in nature.

In the present facts and circumstances of the case, the trial Court granted adjournment for cross examination of PW.1 to enable the petitioner to prefer a revision as he is entitled to challenge the findings, if any, recorded in the deposition. Hence, leaving it open to the petitioner to challenge the findings recorded in the deposition with regard to restricting the right of the petitioner to cross examine PW.1.

In the result, this Civil Revision Petition is dismissed granting liberty to the petitioner to prefer a revision against the findings recorded in the deposition.

As a sequel, miscellaneous petitions, if any, pending in this case, shall stand closed.

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M. SATYANARAYANA MURTHY, J

Date: 17-03-2017.

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