

CR-2323-2018
Decided on : 14.03.2022

Kingbury Residents Welfare Association Petitioner

Versus

TDI Infrastructure Ltd. Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. T.S.Chhikara, Advocate
for the petitioner.

Mr. Sanjay Vij, Advocate
for the respondent.

Manjari Nehru Kaul, J.(Oral)

Instant revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 16.02.2018 passed by Civil Judge, Jr. Divison, Sonapat vide which the Court below allowed the application filed under Sections 7, 8 and 9 of Arbitration and Conciliation Act, 1989 in an illegal and arbitrary manner.

Learned counsel for the petitioner has failed to satisfy this Court as to how the instant petition was maintainable since an order of returning a plaint under Order VII Rule 10 CPC was appealable under Order 43 Rule 1(a) CPC. The Hon'ble Supreme Court in ***Virudhunagar Hindu Nadargal Dharma Paribalana Sabai and others vs. Tuticorin Educational Society and others, 2019(9) SCC 538*** has categorically held that there is total bar to the exercise of supervisory jurisdiction under Article 227 of the Constitution of India specially when an alternative remedy is available under the Code of Civil Procedure.

Hence, in the circumstances, this Court does not deem it appropriate to entertain the instant petition. Accordingly, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

14.03.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No