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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-6745-2023 (O&M)

Reserved on : 10.07.2025

Date of Decision : 21.07.2025

Sukhdev Singh

... Petitioner(s)

VERSUS

Kiran

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Atul Aggarwal, Advocate and
Mr. Karambir Singh Kahlon, Advocate for the petitioner.

ALKA SARIN, J.

1. The present revision petition has been preferred by the plaintiff-petitioner challenging the judgment and decree dated 22.09.2021 passed by the First Appellate Court.

2. The original suit was filed for recovery of ₹20,000/- which was decreed by the Trial Court vide judgment and decree dated 01.08.2019. Aggrieved by the same the defendant-respondent preferred an appeal before the First Appellate Court which appeal was allowed vide judgment and decree dated 22.09.2021. Thereafter, the plaintiff-petitioner did not choose to file a Regular Second Appeal under Section 102 of the Code of Civil Procedure, 1908 and has filed the instant revision petition under Article 227 of the Constitution of India.

3. On a query by the Court as to how the instant revision petition under Article 227 of the Constitution of India is maintainable qua the judgment and decree passed by the First Appellate Court reversing the judgment and decree of the Trial Court in a civil suit, learned counsel for the

plaintiff-petitioner has relied upon a Single Bench judgment of the Allahabad High Court in the case of **State of U.P. & Ors. Vs. M/s Modern Medicos Jhansi & Anr. [2022 (4) ILR (Allahabad) 476]** to contend that the instant petition under Article 227 of the Constitution of India would be maintainable. He has further contended that the judgment and decree passed by the First Appellate Court is erroneous and is contrary to the evidence recorded before the Trial Court. Hence, he prayed for exercise of power under Article 227 to set aside the same.

4. Heard.

5. The instant revision petition under Article 227 of the Constitution of India has been filed by the plaintiff-petitioner to set aside the judgment and decree dated 01.08.2019 passed by the First Appellate Court reversing the judgment and decree passed by the Trial Court decreeing his civil suit for recovery of ₹20,000/- (twenty thousand only) with interest @ 9% per annum. The plaintiff-petitioner did not choose to file a regular second appeal under Section 100 CPC apparently due to the reason that as per the provisions of Section 102 CPC, no second appeal would lie from any decree, when the subject matter of the original suit is for recovery of money not exceeding twenty-five thousand rupees. Since an appeal would not be maintainable under Section 100 CPC, the plaintiff-petitioner has approached this Court beseeching to exercise the power of superintendence under Article 227 of the Constitution of India.

6. Hon'ble Supreme Court in the case of **Shalini Shyam Shetty & Anr. Vs. Rajendra Shankar Patil [2010 (8) SCC 329]** had formulated the following principles on the exercise of High Court's jurisdiction under Article 227 of the Constitution of India :

“62. On an analysis of the aforesaid decisions of this Court, the following principles on the exercise of High Court's jurisdiction under Article 227 of the Constitution may be formulated :

(a) A petition under Article 226 of the Constitution is different from a petition under Article 227. The mode of exercise of power by High Court under these two Articles is also different.

(b) In any event, a petition under Article 227 cannot be called a writ petition. The history of the conferment of writ jurisdiction on High Courts is substantially different from the history of conferment of the power of Superintendence on the High Courts under Article 227 and have been discussed above.

(c) High Courts cannot, on the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or Courts inferior to it. Nor can it, in exercise of this power, act as a Court of appeal over the orders of Court or tribunal subordinate to it. In cases where an alternative statutory mode of redressal has been provided, that would also operate as a restraint on the exercise of this power by the High Court.

(d) The parameters of interference by High Courts in exercise of its power of superintendence have been repeatedly laid down by this Court. In this regard the High Court must be guided by the principles laid down by the Constitution Bench of this Court in Waryam Singh (supra) and the principles in Waryam Singh (supra) have been repeatedly followed by subsequent Constitution Benches and various other decisions of this Court.

(e) According to the ratio in Waryam Singh (supra), followed in subsequent cases, the High Court in exercise of its jurisdiction of superintendence can interfere in

order only to keep the tribunals and Courts subordinate to it, 'within the bounds of their authority'.

(f) In order to ensure that law is followed by such tribunals and Courts by exercising jurisdiction which is vested in them and by not declining to exercise the jurisdiction which is vested in them.

(g) Apart from the situations pointed in (e) and (f), High Court can interfere in exercise of its power of superintendence when there has been a patent perversity in the orders of tribunals and Courts subordinate to it or where there has been a gross and manifest failure of justice or the basic principles of natural justice have been flouted.

(h) In exercise of its power of superintendence High Court cannot interfere to correct mere errors of law or fact or just because another view than the one taken by the tribunals or Courts subordinate to it, is a possible view. In other words the jurisdiction has to be very sparingly exercised.

(i) High Court's power of superintendence under Article 227 cannot be curtailed by any statute. It has been declared a part of the basic structure of the Constitution by the Constitution Bench of this Court in the case of L. Chandra Kumar v. Union of India & others, reported in 1997(2) S.C.T. 423 : (1997) 3 SCC 261 and therefore abridgement by a Constitutional amendment is also very doubtful.

(j) It may be true that a statutory amendment of a rather cognate provision, like Section 115 of the Civil Procedure Code by the Civil Procedure Code (Amendment) Act, 1999 does not and cannot cut down the ambit of High Court's power under Article 227. At the same time, it must be remembered that such statutory amendment does not correspondingly expand the High

Court's jurisdiction of superintendence under Article 227.

(k) The power is discretionary and has to be exercised on equitable principle. In an appropriate case, the power can be exercised suo motu.

(l) On a proper appreciation of the wide and unfettered power of the High Court under Article 227, it transpires that the main object of this Article is to keep strict administrative and judicial control by the High Court on the administration of justice within its territory.

(m) The object of superintendence, both administrative and judicial, is to maintain efficiency, smooth and orderly functioning of the entire machinery of justice in such a way as it does not bring it into any disrepute. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and Courts subordinate to High Court.

(n) This reserve and exceptional power of judicial intervention is not to be exercised just for grant of relief in individual cases but should be directed for promotion of public confidence in the administration of justice in the larger public interest whereas Article 226 is meant for protection of individual grievance. Therefore, the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline pointed out above.

(o) An improper and a frequent exercise of this power will be counter-productive and will divest this extraordinary power of its strength and vitality.”

7. As per the principles laid down by the Hon’ble Supreme Court, the High Court cannot on the drop of a hat in exercise of its power of

superintendence under Article 227 of the Constitution, interfere with the orders of the Tribunals or Courts inferior to it nor can it, in exercise of this power, act as a Court of appeal over the orders of Court or Tribunal subordinate to it. Where an alternative statutory mode of redressal has been provided, that would also operate as a restraint on the exercise of this power by the High Court. In view thereof, the judgment cited by the learned counsel for the plaintiff-petitioner would not be helpful to him.

8. Keeping in view the facts of the case and the law laid down by the Hon'ble Supreme Court in the case of **Shalini Shyam Shetty** (supra), this Court is of the opinion that the impugned judgment and decree passed by the First Appellate Court does not call for any interference by this Court while exercising its powers under Article 227 of the Constitution of India and accordingly the instant revision petition is dismissed. Pending applications, if any, also stand disposed off.

21.07.2025
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO