

S. B. Civil Writ Petition No. 14529/2010
Suni l Jain & Anr. Vs. Civil Judge (J. D) & ors.

Dated : 29. 10. 2010

HON' BLE MR. MAHESH BHAGWATI, J.

Mr. Suni l Kr. Si ngh, for the petitioners.

By way of this writ petition, the petitioners have implored to quash and set aside the order dated 19th August, 2010 rendered by the Civil Judge (Jr. Div.) & Judicial Magistrate-First Class, Ajmer City (West), Ajmer.

At the very outset, it is relevant to record that the Hon'ble Apex Court in plethora of cases has consistently held that the jurisdiction under Article 227 of the Constitution should not be exercised unless the impugned order is found to be totally perverse or contrary to material or it results in manifesting injustice. In the case of Managing Director (MIG), Hindustan Aeronautics Ltd. Balanagar, Hyderabad, Vs. Ajit Prasad Tarway, reported in AIR 1973 SC 76. The Hon'ble Apex Court has held that the High Court had no jurisdiction to interfere with the order of the first appellate Court even if the order was right or wrong or in accordance with the law or not unless it had exercised its jurisdiction illegally or with material irregularity. To the same effect was the

judgment of the Hon'ble Apex Court in the case of Pandurang Dhondi Chougule Vs. Maruti Hari Jadhav reported in AIR 1966, SC 153.

Having considered the submissions made by the learned counsel for the petitioner and carefully perused the impugned order rendered by the court below, it is noticed that the Civil Judge (Jr. Div.) & Judicial Magistrate-First Class, Ajmer City (West), Ajmer, having considered the submissions made by the learned counsel for the parties and carefully perused the relevant material on record, dismissed the application filed under Section 151 of CPC. There appears to be a just finding with regard to the facts of the case and in a writ jurisdiction under Article 227 of the Constitution this court is not required to interfere with the finding of fact. The writ petition is found to be totally devoid of any substance and the same deserves to be dismissed at the threshold, which stands dismissed accordingly.

(MAHESH BHAGWATI)J.