

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Civil Writ Petition No.4160/2014

Vinod Kumar V/s. The Rajasthan State Cooperative
Tribunal, Jaipur & Ors.

Date of Order :: 30.05.2014

PRESENT

HON'BLE MR. JUSTICE P.K. LOHRA

Mr. Vinod Kumar, petitioner, present in person.

Petitioner has preferred this writ petition challenging the order dated 18th September, 2013 passed by the Rajasthan State Co-operative Tribunal, Jaipur, whereby the learned Tribunal, while acceding the prayer of the fourth respondent, has permitted her to make necessary amendments in the pleadings.

The fourth respondent applied for amendment in the pleadings before the learned Tribunal by submitting application under Order 6 Rule 7 CPC. The averments contained in the said application were not controverted by the petitioner inasmuch as no reply was filed. In this view of the matter, considering the averments contained in the application, the learned Tribunal has allowed the amendment.

Allowing amendment in the pleadings is within the discretion of the Court and such a discretion cannot be made subject-matter of judicial review in a writ petition. More particularly, when the aggrieved person has not joined the issue before the Court below to contest the prayer for amendment. Moreover, the impugned order has been assailed by the petitioner after a lapse of nine months. It is trite that supervisory jurisdiction of this Court is to be exercised with great care and circumspection and the concern of the Court is to see as to whether the lower Court or Tribunal has acted within the bounds of its jurisdiction and in adherence of the prescribed procedure. Even a wrong order passed by the subordinate court or Tribunal is not liable to be interfered with in exercise of supervisory jurisdiction of this Court unless it is shown that the order impugned has resulted in failure of justice.

In the considered opinion of this Court, the learned Tribunal has exercised its discretion and the said discretion cannot be made subject-matter of judicial scrutiny in this writ petition.

Consequently, the writ petition sans merit and same is accordingly dismissed summarily.

(P.K. LOHRA), J.

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