

## **WP-69-2017**

*(DEVENDRA PRATAP SINGH ADOPTED SON OF JANAK DULARI Vs SMT. VIMLA SINGH)*

**06-02-2017**

Shri Umesh Shrivastava, learned counsel for the petitioner.

None for the respondents.

The petitioner has filed the present petition under Article 227 of the Constitution of India challenging the order dated

15.12.2016 passed by 3<sup>rd</sup> Additional District Judge, Rewa in Civil Suit No.9-A/2005 thereby rejecting the application filed by the petitioner under Order 13 Rule 3 of the CPC.

The respondents have filed civil suit for recovery of certain amount against the petitioner. During pendency of the suit and after completion of the evidence, the petitioner has filed an application under Order 13 Rule 3 of the CPC for taking certain documents on record.

The trial Court vide impugned order dated 15.12.2016 has dismissed the said application on the ground that the evidence of the parties have already been completed and the case is fixed for final arguments and that the petitioner was in possession of the the certified copies of the said documents but has not shown any reasons why these documents were not filed at an early stage.

I have heard learned counsel for the petitioner and perused the record. From perusal of the record, I found that learned counsel for the petitioner has failed to point out any jurisdictional error in the order passed by the trial Court. Even otherwise, it is well settled in law that the jurisdiction of this Court under Article 227 of the Constitution of India

cannot be exercised to correct all errors of a judgment of a court acting within its limitation. It can be exercised where the orders is passed in grave dereliction of duty or in flagrant abuse of fundamental principles of law and justice. In the instant case the impugned order is not passed in violation of fundamental principles of law and justice warranting interference of this Court under Article 227 of the Constitution of India. [See : **Jai Singh and Others Vs. M.C.D. and other (2010) 9 SCC 385** and **Shalini Shyam Shetty Vs. Rajendra Shankar Patil, (2010) 8 SCC 329**]  
In view of the aforesaid enunciation of law, I do not find any merit in the writ petition. Accordingly, the same fails and is hereby dismissed.

(MISS VANDANA KASREKAR)  
JUDGE

Tabish