

GAHC040004212025

2026:GAU-AP:70



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRP/22/2025

Tara Rava
Son of Late Taw Rava, permanent resident of Keojaring Village, PO and PS Nacho,
Upper Subansiri District, 791122 Arunachal Pradesh.

VERSUS

Talok Byaling
Son of Late Tade Byaling, permanent resident of Meyaba Village, PO and PS
Daporijo, Upper Subansiri District, Arunachal Pradesh 791122

Advocate for the Petitioner : Tania Kipa,

Advocate for the Respondent : Duge Soki,

BEFORE
HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER
JUDGMENT & ORDER

Dated: 23.01.2026

The present Civil Revision Petition under Article 227 of the Constitution of India has been filed by the petitioner, praying for quashing and setting aside the

impugned judgment dated 07.02.2025, passed in Title Suit No.07/2023, and also the order dated 15.05.2023 passed by the learned Civil Judge (Senior Division), Daporijo, Upper Subansiri District, in Civil Appeal No.02/2023.

2. Heard Mr. T. Kipa, learned counsel for the petitioner. Also heard Mr. D. Soki, learned counsel for the sole respondent.

3. The case of the petitioner herein is that, against a Kebang decision dated 15.10.2019 a civil appeal 02/2023 was pending between the petitioner and the respondent before the Court of the Additional District Judge, Leparada District, Basar. The Appeal was remanded to the Court of the Civil Judge (Senior Division), Daporijo, Upper Subansiri District on the ground that the Arunachal Pradesh Civil Courts Act 2021 as amended provided for appeal against customary court orders before the Civil Judge Junior Division or Civil Judge Senior Division depending on the territorial and pecuniary jurisdiction. It is further argued that by the impugned order dated 15.05.2023, the learned Civil Judge Senior Division, without examining the Memorandum of Appeal converted the same into a plaint and re-registered it as Title Suit 07/2023 even without there being a plaint on record. It is submitted that the matter was registered as Civil Appeal No.02/2023 by the Civil Judge (Senior Division), Daporijo, and was fixed for hearing along with an application for condonation of delay of 242 days. It is further stated that the value of the suit was Rs. 200/- and, as per the report of the Kebang, the gross value of the disputed land was Rs. 50,000/-, which means that the case ought to have been tried by the Civil Judge (Junior Division), Daporijo, and not by the Civil Judge (Senior Division) in terms of the Arunachal Pradesh Civil Courts Act 2021 (as amended).

4. The learned counsel for the petitioner submits that, according to the Arunachal Pradesh Civil Courts Act, 2021 and the Amendment Acts of 2022 and 2023, the pecuniary jurisdiction of the Court of the Civil Judge (Junior Division) extends to all civil suits where the valuation does not exceed Rs. 10 lakhs. Therefore, the learned Court of the Civil Judge (Senior Division), Daporijo, ought to have remanded the matter to the Court of the Civil Judge (Junior Division) in accordance with the provisions of the Arunachal Pradesh Civil Courts Act, 2021 (as amended). The learned counsel further submits that, on a joint reading of Sections 14 and 15 of the Arunachal Pradesh Civil Courts Act, 2021, as amended in the years 2022 and 2023, and the Kebang decision dated 15.10.2019, the pecuniary value of the subject matter being Rs. 50,000/-, the competent court was the Civil Judge (Junior Division), Daporijo. Another ground taken by the petitioner herein is that there is a clear distinction between a memorandum of appeal and a plaint filed in a suit. However, in the present case, the learned Civil Judge (Senior Division) converted the memorandum of appeal into a plaint and, without jurisdiction, treated the appeal memorandum as a plaint and proceeded to try the case *de novo* as a title suit.

5. The learned counsel for the petitioner has relied upon the case of ***Rei Taha & 3 Ors. Vrs. Biki Tania @ Tanya Higang & 18 Ors.***, which was disposed of by a Coordinate Bench of this Court vide judgment dated 04.10.2024 in CRP No. 25/2024. The learned counsel for the petitioner submits that the present case is squarely covered by the judgment passed in CRP No. 25/2024. It is submitted that in CRP No. 25/2024, the Coordinate Bench of this Court had held that in view of Sections 14 and 15 of the Arunachal Pradesh Civil Courts Act, 2021, all civil suits where the value does not exceed Rs.10 lakhs would lie before the Court of the Civil Judge (Junior Division). It was, therefore,

held that the learned Civil Judge (Senior Division) ought to have returned the plaint to the plaintiffs/respondent Nos. 1 to 4 therein, for approaching the Court of Civil Judge (Junior Division). Thereafter, the impugned order passed by the Civil Judge (Senior Division) was quashed and set aside and a direction was issued to return the title suit to be instituted before the Court of Civil Judge (Junior Division). It is stated by the learned counsel for the petitioner that even in the aforementioned CRP No.25/2024, the petitioners had not raised any objection as to the competence of the Court with reference to the pecuniary limits of its jurisdiction. However, this Court had allowed the CRP No.25/2024.

6. The learned counsel for the petitioner also relies upon the case of ***Surya Dev Rai Vrs. Ram Chandra Rai & Ors.***, reported in ***(2003) 6 SCC 675***.

7. By referring to the aforementioned case, it is submitted by the learned counsel for the petitioner that in the case of ***Surya Dev Rai, (Supra)***, the Hon'ble Supreme Court has held that the supervisory jurisdiction under Article 227 of the Constitution is exercised for keeping the subordinate courts within the bounds of their jurisdiction. When a subordinate court has assumed a jurisdiction which it does not have, or has failed to exercise a jurisdiction which it does have, or when the jurisdiction, though available, is being exercised by the court in a manner not permitted by law, and failure of justice or grave injustice has occasioned thereby, the High Court may step in to exercise its supervisory jurisdiction.

8. The learned counsel, by placing reliance upon the aforementioned judgments has submitted that the instant matter is a case where this Court should exercise its supervisory jurisdiction under Article 227 of the Constitution,

by quashing and setting aside the impugned order, which has been passed without jurisdiction by the learned Civil Judge (Senior Division), Daporijo and a direction may also be issued to remand the matter to the Civil Judge (Junior Division), Daporijo, as intended by the Arunachal Pradesh Civil Courts Act, 2021 (as amended).

9. Per contra, the learned counsel for the sole respondent has raised objections with regard to the maintainability of the present application and submits that no case has been made out by the petitioner for this Court to exercise its supervisory jurisdiction under Article 227 of the Constitution of India. He has submitted that the petitioner never raised the issue regarding pecuniary jurisdiction before the learned Civil Judge (Senior Division) at the first instance. In fact, one of the impugned orders converting the Civil Appeal to a Title Suit was passed as far back as 15.05.2023, whereas the present petition has been filed only in the year 2025. It is stated that when the impugned order dated 15.05.2023 was passed, the petitioner was represented by his counsel. However, on 15.05.2023, when the matter was heard, the petitioner did not raise any objection with regard to pecuniary jurisdiction. It is further stated that prior to the notification of the Arunachal Pradesh Civil Courts Act, the Administrative Officers were empowered to entertain appeals against the decisions of the Customary Courts. However, after the coming into force of the Arunachal Pradesh Civil Courts Act, 2021, the Civil Appeal No.13/2022 was filed before the learned Additional District Judge, Basar. However, the Additional District Judge, Basar declined to take up the Appeal on the ground that the Court lacked jurisdiction. Against the said order of the learned Additional District Judge, Basar, the respondent filed CRP No.35/2022, which was allowed by this Court vide order dated 04.08.2022, with a direction to the learned

Additional District Judge, Basar, to proceed with the Appeal filed before it. While the matter was pending before the Addl. District Judge Basar, the Arunachal Pradesh Civil Courts Act was further amended in 2022 to the extent that appeals from customary courts could be filed before the Courts of the Civil Judge (Junior Division) and Civil Judge (Senior Division), as per territorial and pecuniary jurisdiction. The appeal was therefore, transferred from the Court of the Additional District Judge, Basar, to the Court of the Civil Judge (Senior Division), Daporijo.

10. The learned counsel for the respondent states that the learned Civil Judge (Senior Division), Arunachal Pradesh, after hearing the parties and in exercise of the Court's discretion, decided to try the appeal *de novo* as a title suit and allowed the petitioner herein to file his written statement. Thereafter, the petitioner filed his written statement and on the basis of the pleadings, 6 (six) issues were framed by the learned Civil Judge (Senior Division) and during the trial, the petitioner presented 3 (three) witnesses, and the respondent presented 4 (four) witnesses. Thereafter, the impugned judgment dated 07.02.2025 was passed by the learned Civil Judge (Senior Division), deciding all the issues in favour of the respondent and decreed the right, title, and interest over the suit land in favour of the respondent.

11. The learned counsel for the respondent has relied on the case of ***Venkatlal G. Pattie & Anr. Vrs. Bright Bros. (Pvt.) Ltd.,*** reported in ***(1987) 3 SCC 558.***

12. Relying upon the aforementioned case of ***Venkatlal G. Pattie, (supra),*** the learned counsel submits that the Hon'ble Apex court had held that the

power under Article 227 of the Constitution is one of judicial superintendence and cannot be exercised to upset conclusions of fact, however erroneous they may be. He further submits that the High Court, while exercising supervisory jurisdiction under Article 227 of the Constitution of India, does not act as a court of appeal to re-appreciate or re-weigh the evidence or facts upon which the determination under challenge is based. The supervisory jurisdiction is not meant to correct every error of fact or even a legal flaw where the final finding is justified or can be supported, and the power under Article 227 of the Constitution is to be exercised sparingly.

13. The learned counsel, by relying on the case of ***Virudhunagar Hindu Nadargal Dharma Paribalana Sabai & Ors. Vrs. Tuticorin Educational Society & Ors.***, reported in ***(2019) 9 SCC 538***, submits that the Hon'ble Supreme Court, in the aforementioned case, held that when the remedy of appeal under the CPC is available to the petitioner, the same ought to be availed. The learned counsel further submits that the Hon'ble Supreme Court held that in cases where an alternative remedy is available under the provisions of the CPC, such availability may have to be construed as a near-total bar for filing a revision under Article 227. Otherwise, there is a danger that a party may challenge, in a revision under Article 227, even a decree passed in a suit. Therefore, the learned counsel submits that this Court ought not to entertain the present revision petition when a specific remedy of appeal is provided under the CPC itself.

14. The learned counsel for the respondent has also relied on the case of ***Om Prakash Agarwal Vrs. Giri Raj Kishori & Ors.***, reported in ***(2019) 14 SCC 526***.

15. The learned counsel has submitted that the Apex Court, in the said judgment of ***Om Prakash Agarwal*** (supra), has held that the policy underlying Section 21 of the CPC is that, when a case has been tried by a court on merits and a judgment has been rendered, it should not be liable to be reversed purely on technical grounds unless it has resulted in a failure of justice. He has submitted that it is the intention of the legislature, in so far as Section 21 of the CPC is concerned, to treat objections to jurisdiction, both territorial and pecuniary, as technical and not open to consideration by an appellate court unless there has been prejudice on merits.

16. Learned counsel has submitted that the case relied upon by the petitioner, i.e., CRP No. 25/2024, can be distinguished from the instant petition inasmuch as the petitioner in the earlier CRP No. 25/2024 had raised the objection regarding maintainability at the first instance before the trial court, as reflected in paragraph 22 of the judgment dated 04.10.2024. The petitioner in CRP No. 25/2024 had approached this Court as soon as the Civil Judge (Senior Division) took up the matter, as the impugned order is dated 26.03.2024 and the date of hearing of CRP No. 25/2024 was 25.09.2024. Therefore, in CRP No. 25/2024, the petitioners had approached this Court without delay and before the trial had commenced before the Civil Judge (Senior Division). However, in the present case, the petitioner took a chance and contested the case before the Civil Judge (Senior Division), Daporijo, without raising any objection, either verbally or in his written statement, and even participated in the trial till the conclusion of the case by adducing evidence. After the judgment was pronounced and the decree was issued, the petitioner has approached this Court at a belated stage. Therefore, the petitioner cannot take the plea that the present case is squarely covered by the judgment dated 04.10.2024 in CRP No. 25/2024. It is submitted

that if the petitioner is aggrieved by the impugned judgment dated 07.02.2025, he has the remedy of filing an appeal and, therefore, the present petition under Article 227 of the Constitution of India is not maintainable, and this Court may be pleased to dismiss the same.

17. This Court has considered the submissions made by the respective parties, has perused the pleadings, and has also gone through the judgments relied upon by the parties.

18. The law is settled that the supervisory jurisdiction to be exercised by this Court under Article 227 of the Constitution of India is very limited and has to be exercised sparingly. This Court cannot act as a court of appeal, especially when the trial court has already arrived at a conclusion and a judgment and decree have been passed. The exercise of power under Article 227 involves a duty on this Court to keep inferior courts and tribunals within the bounds of their authority and to ensure that they discharge the duties expected or required of them in accordance with law. This Court is not vested with any power to correct all kinds of hardship or wrong decisions made within the limits of the jurisdiction of the subordinate courts. The exercise of this power, or the exercise of supervisory jurisdiction, is restricted to cases of serious dereliction of duty and flagrant violation of fundamental principles of law where, if not interfered with, grave injustice would be caused.

19. Section 21 of the CPC prevents appellate or revisional courts from entertaining objections regarding pecuniary jurisdiction or the competence of the trial Court unless such objection was raised at the earliest possible opportunity before the trial court. It covers objections relating to pecuniary

limits and emphasises that parties cannot delay raising these concerns to avoid jurisdiction at a later stage. Section 21 of the CPC essentially means that parties waive their right to object to jurisdiction if they don't challenge it at the initial stage before the trial Court. In the present case, this Court has seen that the petitioner never raised any objection regarding jurisdiction before the trial Court. Even in the written statement, the petitioner/defendant has not raised the question of jurisdiction. In fact, the petitioner willingly contested the suit and adduced his evidence by producing his witnesses, and the suit was finally disposed of by the impugned order. Even when the trial Court decided to hear the matter *de novo* by the impugned order dated 15.05.2023, the petitioner was represented by his counsel, who did not raise any objection regarding jurisdiction.

20. It is apparent from the records that no objection regarding the competence of the Civil Judge (Senior Division), Daporijo to decide the case was raised by the petitioner at any point of time during the trial. Therefore, no objection having been raised regarding the pecuniary jurisdiction of the Civil Judge (Senior Division), Daporijo, Section 21 of the CPC would be attracted. Section 21(2) CPC provides that no objection regarding the competence of a court with reference to the pecuniary limits of its jurisdiction shall be allowed by any appellate or revisional court unless the conditions mentioned therein are fulfilled. No objection has been raised by the petitioner regarding the competence of the Court, and therefore, such objection cannot be allowed at this stage, more so, when the impugned judgment dated 07.06.2025 has been passed against the petitioner. Moreover, the facts of CRP 25/2024 are distinguishable from the instant case inasmuch as in CRP 25/2024 the objection regarding maintainability was raised at the earliest opportunity and the

petitioner also approached this Court before the trial commenced. Therefore, the judgment in CRP 25/2024 does not help the petitioner's case.

21. As held by the Hon'ble Supreme Court in the case of ***Venkatlal G. Pattie & Anr (supra)***, the power under Article 227 of the Constitution of India cannot be exercised to upset conclusion of facts. Similarly, in a case like the present petition, the petitioner had willingly contested the suit without raising any objection and is invoking the supervisory jurisdiction of this Court under Article 227 of the Constitution of India at this belated stage, after the disposal of the title suit and after issuance of the decree. This Court is, therefore, of the view that the petitioner has failed to make out a case under Article 227 of the Constitution of India, so as to invoke the supervisory jurisdiction of this Court. Accordingly, the petition is dismissed.

22. No order as to cost(s).

JUDGE

Comparing Assistant