

# Inherent Powers

Inherent powers of the court refer to those powers not explicitly stated in the Code of Civil Procedure but are essential for the judiciary to function effectively.

These powers allow courts to act *ex debito justitiae*, i.e., to act according to what is just and right in the absence of specific provisions in the law.

## Nature and Justification

These powers exist to ensure that justice is administered fairly and efficiently, allowing courts to fill any procedural gaps that may arise during legal proceedings.

For example, in situations where specific provisions are silent, the courts are equipped to address issues to prevent miscarriage of justice.

## Key Sections Invoking Inherent Powers

Sections 148, 149, 151, 152, 153, and 153A of the Code of Civil Procedure, 1908, specifically address the inherent powers of the court, enabling it to extend time limits, allow payment of court fees, amend judgments, and more, as necessary to meet the ends of justice or to prevent the abuse of the court's process.

## Applications of Inherent Powers

**Enlargement of Time (Section 148):** Courts can extend time frames for performing acts beyond the originally stipulated period, aiding in flexibility and fairness in judicial processes.

**Payment of Court-fees (Section 149):** Courts may allow late payment of court fees, ensuring that a case is not dismissed solely due to procedural lapses related to fee payment.

**General Provisions (Section 151):** Recognized as a saving clause, this section allows courts to make necessary orders to prevent abuse of the court's process or to achieve justice, effectively ensuring that procedural limitations do not impede substantial justice.

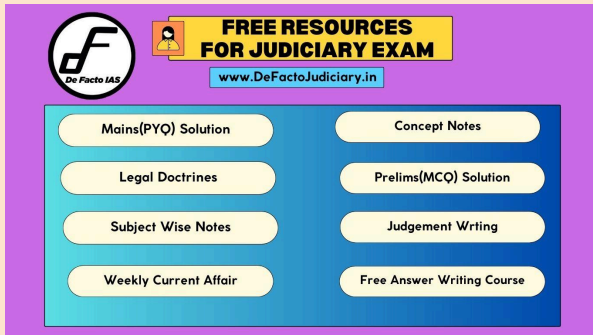
**Amendment of Judgments and Orders (Sections 152, 153, and 153A):** Courts have the authority to correct clerical or arithmetical mistakes in judgments or orders, ensuring that decisions reflect what was intended by the court.

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### Limitations of Inherent Powers

While inherent powers are broad, they are not limitless. Courts cannot use these powers to override express provisions of the law or to address substantive rights issues. Inherent powers are primarily procedural and must be exercised with judicial prudence and only when necessary to prevent injustice or abuse of process.



### Landmark Cases

**Mahanth Ram Das vs. Ganga Das:** The Supreme Court affirmed that inherent powers could extend deadlines even after their expiration if justified by circumstances.

**Johri Singh vs. Sukh Pal Singh:** It was emphasised that the discretionary nature of inherent powers must be exercised considering all case facts and the conduct of the applicant.

**Dwarka Das vs. State of Madhya Pradesh:** Highlighted the restrictions on the court's ability to amend its judgments or orders, stressing that inherent powers should correct only accidental slips or omissions.