

Court No. - 8

Case :- WRIT - C No. - 10223 of 2023

Petitioner :- Santosh Kumar Upadhyay And 2 Others

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue, Govt. U.P.
Lucknow And Another

Counsel for Petitioner :- Anand Mani Tripathi, Mohd. Yasir Abbasi

Counsel for Respondent :- C.S.C.

Hon'ble Pankaj Bhatia, J.

1. In terms of the order passed by this Court on 12.12.2023, a report has been furnished by Senior Registrar on 15.12.2023 showing that no notification has been issued enhancing the jurisdiction of Gram Nyayalayas.

2. Present petition has been filed challenging the order dated 08.09.2023 whereby an *ex-parte* injunction has been granted by the Gram Nyayalaya in exercise of powers under the Gram Nyayalaya Act, 2008.

3. A copy of the plaint has been filed alongwith the Supplementary Affidavit wherein the suit was valued at Rs.5,000/- in terms of the averments contained in Para - 10 of the plaint.

4. The neat contention of learned counsel for the petitioner is that the suit ought to have been valued on the basis of the circle rate and if properly valued, the Gram Nyayalaya would not have pecuniary jurisdiction in view of the mandate of Gram Nyayalaya Act, particularly Section 13 of the said Act. It is argued that a specific objection with regard to improper valuation has already been filed by the petitioner.

5. In view of the fact that the petitioner has already filed objection with regard to valuation, the present petition is ***disposed off*** directing Gram Nyayalaya to decide the issue before proceeding further with the suit, in accordance with law.

Order Date :- 16.12.2023

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