

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1451 of 2016**

=====

Devendra Prasad Sinha @ Shailendra Prasad

.... Petitioner/s

Versus

Manohar Kumar & Ors

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Pramod Kumar Verma

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 21-12-2016

Heard the learned counsel for the petitioner.

Perused the impugned order dated 05.09.2016 passed by Sub Judge I, Nawada in Title Suit No.37 of 2013 whereby the application filed by the petitioner for deciding the question of payment of court fee as preliminary issue under Order XIV Rule 2 C.P.C. has been rejected.

Perused the impugned order. It appears that the Court below found that the payment of court fee is between the plaintiff and the Court and, therefore, the defendant has got nothing to do.

In view of the aforesaid fact, which is supported by the view of the Supreme Court in AIR 1961 Supreme Court 1299 followed by Full Bench decision of the Patna High Court in 1987 PLJR 370, I do not find any reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this Civil Miscellaneous application is dismissed.

Saurabh/-

U		T	
---	--	---	--

(Mungeshwar Sahoo, J)

