

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3438 of 2015**

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Birendra Pratap Singh @ Guddu Singh & Anr

.... .... Petitioner/s

Versus

Smt. Manju Devi & Ors

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Md. Anis Akhtar

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR**  
**SAHOO**

ORAL ORDER

2      10-03-2016    **1.**            Heard the learned counsel, Mr. Anish Akhtar, for the petitioner.

**2.**            It appears that probate case was filed by the respondent giving valuation of the probate application at Rs. 2 lakhs, i.e., value of the property. The objector raised the objection regarding the valuation. Report was called for but the report was not received. In the meantime, the petitioner applicant respondent filed Rs.30,000/- as Court fee and prayed for recall of the order whereby the report was called for and start proceeding in the probate case.

**3.**            The learned counsel, Mr. Anish Akhtar, for the petitioner submitted that the Court below misquoted the provision of law and wrongly held that the maximum limit for payment of Court fee is Rs.30,000/- instead of Rs.3 lakhs.

4. Perused the order passed by the Court below. In this present case, here it is not required to be decided that what is the maximum limit for payment of Court fee or whether there is amendment in the Court fee or not. So far payment of court fee is concerned, admittedly the applicant respondent has paid Rs.30,000/- whereas the valuation of the application is Rs.2 lakhs.

5. The Hon'ble Supreme Court in the case of *Sri Ratnabharrajan Vs. Smt. Bimla AIR 1961 SC 1299* has held that **'whether proper Court fee is paid on a plaint is primarily a question between the plaintiff and the State. The jurisdiction in revision exercised by the High Court under Section 115 CPC is strictly by Clause 'A' to 'C' thereof. The defendant who may believe and even honestly that proper Court fee has not been paid by the plaintiff as still no right to move the superior Court.'**

6. In view of the settled proposition of law, I find no reason to interfere with the impugned order. Thus, this writ application is dismissed.

Sanjeev/-

(Mungeshwar Sahoo, J)

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