

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3325 of 2016

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Lalan Singh & Ors

.... Petitioner/s

Versus

Sheo Prasad Singh & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Dubey

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 18-07-2016 Heard the learned counsel, Mr. Arun Kumar, for the
petitioner.

Perused the order dated 24.7.2015 passed by the learned
Munsif Sub-Divisional Court, Daudnagr, Aurangabad in Title Suit
No.156 of 1997 (wrongly typed as 456/1997 in first paragraph)
whereby the Court below has rejected the application filed by the
petitioner under Order 7 Rule 11(b) of the Code of Civil
Procedure.

From perusal of the impugned order, it appears that the
Court below held that the earlier also same application was filed
by the petitioner which has already been rejected by the Court. In
the present case also, the claim of the petitioner is that the suit is
under valued and, therefore, the plaintiff has been rejected.

Admittedly, there is no finding of the Court below that the
suit is under valued and the Court below never directed the

plaintiff to correct the valuation so as to exercise a jurisdiction under Order 7 Rule 11(b) CPC.

In view of the above fact, in my opinion, no prejudice is caused to the petitioner as such this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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