

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2610 of 2014

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1. Ram Srestha Singh S/O Ramchandra Singh Resident Of Village- Barla Kishun, P.O.- Bakra Ishamail, P.S.- Kurhani, Munsiff Muzaffarpur West, Dist.- Muzaffarpur

.... Petitioner/s

Versus

1. Awadhesh Narain Singh S/O Late Mahabir Singh Resident Of Village- Balara Kishun P.S.- Kurhani (New Maniyari) P.O.- Balora Munsiffi West Muzaffarpur Dist.- Muzaffarpur At Present At Mohalla- Islampur, P.S. Kazimohammadpur, P.O.- Muzaffarpur Dist.- Muzaffarpur

2. Smt. Renu Singh W/O Niteshwar Pd. Singh Resident Of Village- Chainpur P.S. Goraul, P.O. Goraul, Munsiffi Hazipur Dist.- Vaishali, At Present Residing At Mohalla- Islampur, P.S.- Kazimohammadpur, Munsaffi- Muzaffarpur East Dist.- Muzaffarpur

3. Padmanav Singh S/O Raj Narain Singh Resident Of Village Rampur Gopal @ Dumari Khurd P.S.- Majorganj, P.O.- Dumari Khurd, Munsiffi And District- Sitamarhi

4. Krityanand Singh S/O Late Ram Kripal Singh Resident Of Village Rampur Gopal @ Dumari Khurd P.S.- Majorganj, P.O.- Dumari Khurd, Munsiffi And District- Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 07-01-2016 Heard learned counsel for the petitioner as well as learned counsel for the respondents.

The Execution Munsif, Muzaffarpur by the order dated 12.11.2013 passed in Title Suit No. 89 of 1995, directed the parties to argue the case on the point of valuation of the suit first and thereafter the other issues shall be decided.

It appears that the plaintiff-petitioner filed the aforesaid



Title Suit No. 89 of 1995 for declaration of title and recovery of possession of the suit property. The defendants filed written statement raising the objection that the suit property could not be valued less than Rs.100,000/-. Issues were framed. The parties have already adduced evidences and even arguments have already been concluded by the parties and at this stage, the application was filed by the defendant for deciding the preliminary issue regarding the pecuniary jurisdiction. The court below by the impugned order has directed that this issue will be decided as preliminary issue.

It may be mentioned here that according to the defendant, the valuation of the suit property is not less than Rs.100,000/-. Admittedly, the parties have adduced the evidences and this is one of the issues. Order 14 Rule 2 C.P.C. provides that notwithstanding that a case may be disposed of on a preliminary issue, the court shall, subject to the provision of Sub-Rule 2, pronounce judgment on all issues. Here, in the present case, both the parties have already adduced evidences and also have argued the case. So far pecuniary jurisdiction is concerned, according to the defendants, the valuation of the suit property is not less than Rs.100,000/-. It is admitted fact that now the pecuniary jurisdiction of the Munsif has already enhanced for more than Rs.100,000/-. Now, therefore, this issue is not required to be

decided as a preliminary issue at this stage and the court below is, therefore, directed to decide all the issue in the judgment itself.

With the above observation and direction, this writ application is disposed of.

(Mungeshwar Sahoo, J.)

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