

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3082 of 2016

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Shri Binod Kumar Maskara & Ors

.... Petitioner/s

Versus

Shri Ratan Lal Khetan @ Ratan Kumar Khetan

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 14-07-2016 Heard the learned counsel, Mr. Sandip Kumar Gautam for the petitioners.

It appears that Title Suit No.28 of 2014 has been filed by the plaintiff-respondent for setting aside the award passed by Mega Lok Adalat in title appeal on the ground of fraud. The defendants-petitioners filed application for deciding the preliminary objection regarding pecuniary jurisdiction of the Court on the ground that the suit valuation must be more than Rs.2 crores. The Court below has rejected the said application by the impugned order.

So far this question is concerned, it may be mentioned here that admittedly, the valuation of the title appeal which was being disposed of by Mega Lok Adalat was only Rs.9,500. The prayer has been made in the present suit for setting aside the said award of the Lok Adalat on the ground of fraud.

Further, so far the valuation of the subject matter of the suit is concerned, it depends on evidences, therefore, the question about the valuation of the subject matter cannot be decided as preliminary issue in view of the provision as contained in Order 14 Rule 2(2) C.P.C. In my opinion, therefore, the learned Court below has rightly rejected the application.

Thus, I find no reason to interfere with the impugned order and accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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