

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10532 of 2014

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1. Ful Kumari Devi Wife of Late Bulla Sahani resident of Village Kusahar, Police
Statio- Tariyani, District- Sheohar.

....Defendant/Petitioner

Versus

1. Ramdhari Sahani Son of Late Baidya Nath Sahani resident of Village Kusahar,
Police Station- Tariyani, District- Sheohar.

....Plaintiff/Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 30-06-2016

Heard learned counsel for the petitioner.

2. The defendant is the petitioner in the present application and has challenged the order by which the learned court below has rejected the petition filed by the petitioner in the suit questioning the valuation of the suit property and the jurisdiction of the court to try the suit.

3. It transpires from the impugned order that the learned court below has found that the petitioner has not led any evidence in support of the higher valuation of the suit property as asserted by him. Even otherwise also the suit has been filed for title and

recovery of possession and in that view of the matter the provision of Section 7(iv) (c) of the Court Fee Act would be attracted and in such cases the court can interfere with the valuation given by the plaintiff only in a case where it has been deliberately mentioned as excessively low. The learned court below has also observed that this issue of valuation shall be decided while determining the other issues at the time of final disposal of the suit.

4. In this view of the matter, this Court is not inclined to interfere in the impugned order invoking its jurisdiction under Article 227 of the Constitution of India. This application is, accordingly, dismissed.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
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