

Diwakar Tripathi S/o Pandit Ram Deo Tiwari R/o Village- Ashok Pakri
Tola, Nehal Tiwari, P.S- Pipra, District- East Champaran.

Versus

1. The State of Bihar, through Collector, East Champaran at Motihari.
2. Prabhakar Tiwari
3. Sudhakar Tiwari.
4. Ratnakar Tiwari
5. Chandan Tiwari All are S/o Late Pandit Rmdeo Tiwari
6. Pandit Shiv Datt Tiwari S/o Pandit Ved Prakash Tiwari
7. Pandit Vijay Shanker Tiwari S/o Pandit Shiv Dut Tiwari All resident of Village+ Post- Ashoka Pakari Tola, Nehal Tiwari, P.S- Pipra, District- East Champaran

.... Respondents.

For the Petitioner/s : Mr. Rakesh Kumar No.1
For the Respondent/s : Mr. Rajiv Kumar Singh

5 11-04-2016

Heard learned counsel for the petitioner and appearing for the State-respondent.

Assail in the present application under Article 227 of the Constitution of India is to the order by which the learned court below has called for a report from the District Registration Office regarding valuation of the property allotted to the share of the plaintiff-decree holder on 22.11.1993.

The fact is not in dispute that there was a suit for partition wherein the preliminary decree was passed on 19.08.1982 on the basis of compromise between the parties. The

plaintiff-decree holder thereafter filed non-judicial stamp on 22.11.1993 praying for preparation of final decree. By the impugned order the learned court below has called for a report from the District Registration Office regarding valuation of the property allotted to the share of the plaintiff-decree holder on 22.11.1993. After some argument, learned counsel for the petitioner has accepted that in view of the provision of Article 45 (c) of Schedule-I of the Indian Stamp Act, the learned court below has correctly passed the order for investigating the valuation of the property on 22.11.1993. The learned counsel for the State-respondent has also submitted that there is no illegality or irregularity in the impugned order.

In view of the aforesaid stand on behalf of the parties, this application is dismissed.

(V. Nath, J)

Nitesh/-

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