

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18102 of 2015

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Sikandar Singh

.... Petitioner/s

Versus

Rajniti Singh

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 24-06-2016

Heard learned counsel for the petitioner.

Perused the order passed by the court below.

The suit has been filed by plaintiff for specific performance of contract wherein application has been filed by the petitioner before the court below for fixing market value of the suit property on the ground that in the agreement it was agreed upon between the parties that the plaintiff will pay the balance consideration amount of the market value of the suit property. The learned court below rejected the said application on the ground that in a suit for specific performance of contract the value has been given as per the consideration amount of the sale agreement as per the provision of Court Fee Act.

So far the submission of the learned counsel for the petitioner that in the agreement there is a clause that after valuation of the suit property the remaining balance of the

consideration is to be paid, is a matter that may be considered finally at the time of hearing of the suit, but certainly at this stage so far valuation is concerned, even if the valuation is fixed more than the valuation of the suit then also it will be tried by the Subordinate Judge.

I, therefore, find that there is no prejudice caused to the petitioner at this stage nor it can be said that the court below passed the order in the manner not permitted by law. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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