

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13272 of 2014

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Rakesh Singh @ Rakesh Kumar Singh

.... Petitioner/s

Versus

Dharmendra Singh & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surender Prasad Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 10-02-2016 1. Heard the learned counsel, Mr. Dhanjay Kumar, for the petitioner.

2. By the impugned order dated 06.06.2014 passed in Title Suit No.57 of 2010, the learned Court below refused to decide the valuation of the suit on the ground that it is mixed question of law and fact.

3. Since after amendment, it is not obligatory on the part of the Court to decide the question regarding the valuation which depends on the evidence as preliminary issue. The Court below has, therefore, rightly held that this question raised by the petitioner by filing application under Order XIV Rule 2 that the value of the suit property is Rs.36 lakhs can be decided only after perusal of the evidence and not at this stage. In such circumstances, there is no question of

interference of the order in supervisory jurisdiction arises.

4. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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