

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7072 of 2015

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Ram Dular Singh & Ors

.... Petitioner/s

Versus

Harichandra Mahto & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vaidehi Raman Prasad Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 03-03-2016 Heard the learned counsel, Mr. Vaidehi Raman Prasad Singh for the petitioners.

By the impugned order dated 04.02.2015, the learned Munsif, Sitamarhi decided the preliminary issue with respect to pecuniary jurisdiction of the court in Title Suit No.1 of 2012 (C.I.S. T.S. Suit No.48 of 2014) whereby the court below has held that the valuation given by the plaintiff is correct as the documentary evidences produced by the defendant do not establish the fact that the valuation set up by the plaintiff is arbitrary.

The Full Bench decision of this court in the case of Mohd. Alam v. Gopal Singh & others, 1987 BLJ 736 = 1987 PLJR 370 held that so far valuation of the suit is concerned, the estimate given by the plaintiff has to be ordinarily accepted but court has power to interfere where plaintiff has undervalued the relief.

Therefore, in view of this Full Bench decision, the court has the jurisdiction, if it is found that the valuation is arbitrary.

In this case, the Court below considering the evidences, oral and documentary, produced by the parties, held that the valuation is not arbitrary. Therefore, the order impugned cannot be interfered with in supervisory jurisdiction under Article 227 of the Constitution of India.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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