

HIGH COURT OF CHHATTISGARH, BILASPUR
WP (227) No.601 of 2016

Sunder Lal (dead), through legal representatives-

1. Smt. Kaushliya Wd/o Late Sunder Lal, aged about 60 years.
2. Ramchandra S/o Sunder Lal, aged about 35 years.
3. Kanhaiya Lal S/o Sunder Lal, aged about 33 years.

All are R/o Ward No.11, Shanti Nagar, Kohka, Bhilai, District Durg (CG)

4. Sachhanand Rawlani S/o Gopal Das Rawlani, aged about 60 years, Asha Cloth Stores, Station Road, Kharsiya, District Raigarh (CG)

---- Petitioners

Versus

Jagat Singh (dead) through legal representative Gurucharan Singh S/o Jagat Singh, aged about 60 years, R/o Station Road Kharsiya, District Raigarh (CG)

---- Respondent

For Petitioners	:	Mr.N.K.Malviya, Advocate
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Hon'ble Shri Sanjay K. Agrawal, J.

Order on Board

25/10/2016

1. The trial Court by its impugned order dated 20.6.2016 rejected the application filed by the defendants for taking of the issue of valuation of the suit as a preliminary issue under Order 41 Rule 5 CPC holding that such an application earlier filed has been rejected by the trial Court on 23.2.2016.

2. After hearing learned counsel for the petitioners, I am of the opinion that only the issue relating to jurisdiction of the Court or a bar to the suit created by any law for the time being in force can only be decided as a preliminary issue under Order 14 Rule 2(2) CPC. The question of valuation of suit is a mixed question of law and fact and cannot be decided as a preliminary, therefore, the trial Court is absolutely justified in dismissing the application filed by the defendants.

3. Accordingly, the writ petition is liable to be and is hereby dismissed with cost of Rs.5000/- payable to the respondent/plaintiff within 15 days from today. The suit was filed on 6.8.1991, yet the trial has not concluded. The trial Court is directed to conclude the trial within two months from the date of receipt of certified copy of this order and inform to the Registry of this Court that trial has been concluded.

Sd/-

(Sanjay K. Agrawal)
Judge

B/-