

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8924 of 2013

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Rudranand Prasad & Ors

.... Petitioner/s

Versus

Dasrath Ravidas & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 12-10-2017

Heard learned counsel for the petitioners.

Perused the impugned order dated 21.07.2012 passed by the learned Additional Munsif, Civil Judge (Junior Division), Bhagalpur in Title Suit No.66 of 1991.

It appears that the defendants filed application under Order 7 Rule 11 CPC praying for framing an issue relating to the pecuniary jurisdiction of the court and decide the same as preliminary issue and they prayed for rejection of the plaint. The learned court below framed the issue but held that it shall be decided at the time of final hearing along with other issues.

It may be mentioned here that this question regarding pecuniary jurisdiction of the court is concerned, it depends on the valuation of the suit. Admittedly the valuation of the suit is only Rs.10,000/-. According to the defendants-petitioners, the valuation should have been Rs.75,000/-. Therefore,



the valuation of the suit can only be recorded after the evidences are produced by the parties. Thus, the learned court below has rightly said that the issue shall be decided along with other issues which is the mandate of the Code of Civil Procedure as provided under Order 14 Rule 2 of the Code of Civil Procedure.

Thus, no case for interference in exercise of supervisory jurisdiction is made out. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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