

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.153 of 2009

In
CR 313 of 2009

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Ramanand Singh

.... Petitioner/s

Versus

Vijay Prakash Singh & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. V.R.P.Singh

For the opposite parties : Mr. Dinesh Jha

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

14 02.11.2017

1. Heard learned counsel for the petitioner as well as learned counsel for opposite parties.

2. Petitioner filed this petition under Order 47 rule 1 of the CPC for review of order dated 19.5.2009 passed by a bench of this court in C.R. no. 313/2009 by which the aforesaid C.R. no. 313/2009 was dismissed holding that valuation of the suit shall be determined as per prevailing valuation of the property in 1961.

3. It would appear from perusal of the record that Title suit no. 05/2006 was brought by opposite parties Vijay Prakash Singh and others and during the pendency of the aforesaid Title suit no. 05/2006 the petitioner filed a petition alleging therein that learned Munsif had no pecuniary jurisdiction to entertain the



aforesaid suit because valuation of the suit property was more than 2 lakhs as mentioned in the sale deeds in question itself. Learned Munsif rejected the aforesaid petition passing order dated 13.1.2009 against which C.R. no. 313/2009 was filed which was, too, dismissed by a bench of this court passing order under review dated 19.5.2009.

4. Learned counsel appearing for the petitioner submits that sale deeds in question itself disclose that valuation of the suit property was more than 4 lakhs at the time of execution of the sale deeds in the year 2005 and it is settled law that court fee is charged on present valuation of the property.

5. In my view, the aforesaid fact appears to have been raised before a bench of this court while hearing C.R. no. 313/2009 and the aforesaid fact was considered vide order dated 19.5.2009 and, therefore, in my view, there is no error on the face of record. It is well known fact that there is very limited scope while exercising power of review and the court can not exercise the power of appellate court while exercising power of review. Therefore, in my view, this review



petition does not have any merit and is liable to be dismissed. Accordingly, this review petition stands dismissed.

Shahid

(Hemant Kumar Srivastava, J)

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