

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (227) No.595 of 2017

1. Smt. Sarla Maheshwari, W/o late Shri Nandkishore Maheshwari, aged about 50 years.
2. Ku. Sneha Maheshwari, D/o late Shri Nandkishore Maheshwari, aged about 20 years.

Through Power of Attorney Devkaran Rathi, resident of Vikash Nagar Lakholi, Rajnandgaon (CG).

---Petitioners

Versus

Prateek Maheshwari, S/o late Nandkishore Maheshwari, aged about 24 years, R/o Bharatmata Chowk, Ganj Line, Rajnandgaon (CG).

--- Respondent

For Petitioners : Mr. Aditya Bhardwaj, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

25/08/2017

(1) By the impugned order dated 15.11.2016 the trial Court has directed that the question of valuation of the suit and payment of court fees will be decided at the time of final hearing, against which this writ petition under Article 227 of the Constitution of India has been filed by the petitioners/defendants herein.

(2) Learned counsel appearing for the petitioners/defendants would submit that the impugned order passed by the trial Court is unsustainable and bad-in-law.

(3) I have heard learned counsel for the petitioner.

(4) As per provisions contained in sub-rule (2)(a&b) of Rule 2 of Order 14 of the CPC, only the issue relates to the jurisdiction of the Court, or at bar to the suit created by any law for the time being in force can be decided as preliminary issue. The issues proposed by the petitioners are not covered under sub-rule (2)(a&b) of Rule 2 of Order 14 of CPC therefore, the trial Court is absolutely justified in directing to decide those issues at the time of final hearing, in which I do not find any jurisdictional error.

(5) Consequently, the writ petition deserves to be and is accordingly dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge