

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15819 of 2014

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1. Paroo Prakhand Samagra Vikas Pariyojana , Village and P.O. Gokhula, P.S. Paroo, District - Muzaffarpur through its Chairman.
 2. Sri Girindra Nath Chaudhary son of Late Deo Nandan Chaudhary resident of village and P.O. Gokhula, P.S. Paroo, District - Muzaffarpur, presently the Director Paroo Prakhand Samagra Vikas Pariyojna, Village and P.O. Gokhula, P.S. Paroo, District - Muzaffarpur.

.... Petitioner/s

Versus

Prakash Singh son of Late Kapildeo Singh Resident of village and P.O. - Gokhula, P.S. Paroo, District - Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate Mr. Pankaj Kumar, Advocate Mr. Santosh Kumar, Advocate
For the Respondent/s	:	Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 17-07-2018

This application has been filed for setting aside the order dated 21.04.2014 passed by learned Munsif, East, Muzaffarpur in Title Suit No.80 of 2003 whereby and whereunder the learned Munsif rejected the petition of the petitioners filed for deciding valuation of suit property and jurisdiction of Court.

2. Heard learned counsel for the petitioners.

3. It appears that the plaintiff filed a suit for declaration of his title over the suit property. The plaintiff valued the suit property on the basis of a registered document with respect to suit property in which the value of the suit property has been given as 2,000/-. The plaintiff has valued the suit at Rs.7231/- and accordingly paid court fee thereon. The court below while rejecting the prayer of the defendant/petitioner has observed that the matter of jurisdiction of court as raised by defendant/petitioner is a mixed question of fact and law which could be



decided only after recording evidence of both the parties and so the question raised by the petitioners cannot be decided as preliminary issue. The court below after being satisfied with the valuation and jurisdiction has admitted the plaint. From the report of lower court, it appears that the suit is pending for evidence.

4 In the facts and circumstances of the case, I do not find any merit in this application. This application is accordingly dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24.07.2018
Transmission Date	N/A

