

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17510 of 2014

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Krishna Kumar Singh Son of Kameshwar Singh, resident of village- Khaira a
Salem, P.O.- Doshma, P.S.- Aurangabad (M), District- Aurangabad (Bihar).

.... Petitioner/s

Versus

1. Krishna Mohan Lall, Son of Late Hira Lall Khatri
2. Nand Kishore Lall, Son of Late Moti Lal Khatri,
Both are resident of mohalla- Maharajganj, Rafiganj, P.S.- Rafiganj, District-
Aurangabad (Bihar)
3. The State of Bihar through the Collector, Aurangabad
4. The D.C.L.R., Aurangabad
5. The Anchal Adhikari, Rafiganj, District- Aurangabad
6. Bhagat Ram, Son of Late Ram Jatan Ram @ Jatan Kahar
7. Dharmendra Kumar, Son of Bhagat Ram, Respondent Nos. 6 and 7 are resident
of village+ P.O. and P.S.- Rafiganj, District- Aurangabad (Bihar)
8. Indri Kuer, Wife of Late Bira Kuer, resident of village + P.O.+P.S.- Rafiganj,
District- Aurangabad (Bihar)
9. Pradeep Kumar Singh, Son of Dinesh Kumar Singh, resident of village-
Karsara, P.S.- Rafiganj, District- Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Adv.
For the Respondent/s : Mr. Sita Ram Yadav, GP-1

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 27-08-2018

Petitioner before this Court is defendant no. 7 in Title
Suit No.52 of 2010 pending in the court of Munsif, Aurangabad. He
has filed this application for quashing the order dated 16.06.2014
whereby and whereunder prayer of the petitioner to decide the
valuation of suit property and jurisdiction of court as preliminary
issue has been rejected.

2. Heard learned counsels for the petitioner as well as



the respondents and perused the record.

3. It appears that the respondents filed the aforesaid suit for declaration of their title over the land measuring 60 decimal assessing its value at Rs.25,000/-. The defendants in their written statement at paragraph 5 have asserted that the plaintiffs have not valued the said property properly and its actual value would be more than twenty times according to market value and so the Trial Court has no jurisdiction to entertain the suit. It further appears that after filing of the written statement, the court below framed the issues and in course of trial the plaintiffs have examined nine witnesses. The court below while rejecting the prayer of the petitioner has observed that the matter of valuation is a mixed question of fact and law which would be decided after considering the evidence of both the parties. The court below has directed both parties to adduce oral and documentary evidence on the point of valuation. The court below has thus rightly rejected the petition filed by the defendant-petitioner.

4. In view of above discussions I do not find merit in the application and is accordingly dismissed.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
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