

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1363 of 2018**

Md. Nehal Khan Son of Late Nuruddin Khan, Resident of Mohalla- Ganj No. 1, P.S.- Bettiah Nagar, District- West Champaran. Petitioner/s

Versus

1. Bibi Noorjahan Wife of Md. Amin Khan, Resident of Mohalla- Ganj No. 1, P.S.- Bettiah Nagar, District- West Champaran.
2. Amina Khatoon, Wife of Late Nuruddin Khan, Resident of behind State Bank of India, Branch Mehasi, C/o Mahboob Khan B.C.E.O., P.S.- Mehasi, District- East Champaran Bihar.
3. Bibi Ladli, Daughter of Late Nuruddin Khan, Wife of Md Najre Alam @ Nepali, Resident of Mohalla- Mangalpura, P.S.- Mehasi, District- East Champaran.
4. Bibi Shamima, Daughter of Late Nuruddin Khan, Wife of Md. Khalil @ Chhotey, Resident of Mohalla- Ganj No. 2, P.S.- Bettiah Nagar, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dharendra Nath Jha, Mr. Mritunjay Kumar Sinha, Advocates.
For the Respondent/s	:	Mr.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 27-09-2022 Heard Mr. Dharendra Nath Jha, learned counsel for the petitioner.

2. Petitioner is aggrieved by order dated 24.04.2018 passed in T.S. No. 90/2011 whereby learned trial court has rejected the petition filed by the petitioner/defendant under Order 07 Rule 11 (b) and (c) of the CPC has been rejected.

3. Learned counsel for the petitioner submits that respondents/plaintiffs filed a suit for declaration of right, title and possession on the suit property and paid *ad valorem* court fee of Rs. 2250/- on the suit value declared by the plaintiff of Rs. 18,000/-. Learned counsel further submits that the suit was under valued and accordingly, a petition has been filed under



Order 07 Rule 11 (b) (c) before the trial court which has been rejected on the ground that the valuation of the suit has been assessed by the plaintiff on the basis of sale-deed dated 21.06.2005 and the plaintiff has disclosed the cause of action in the suit. He further submits that the finding arrived at by the learned trial court that the suit is not under valued, is incorrect inasmuch as the valuation of the suit should be about @ Rs. 10 Lacs and odd.

4. I have heard learned counsel for the petitioner and have perused provisions of Order 07 Rule 11 (b) & (c). From perusal of the materials on record, it appears that the court has not required the plaintiff to correct the valuation of the suit at the time to be fixed by the court and there is no order of the court directing the plaintiff requiring him to supply the requisite stamp paper within the time fixed by the court. Accordingly, I do not find any material irregularity and jurisdictional error in the impugned order. This application stands rejected.

(Anil Kumar Sinha, J)

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