

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.342 of 2021

1. Ram Surith Singh Son of Late Jagdeo Singh Resident of Village Ramabandh, P.O.- Aurangabad, P.S.- Aurangabad Town, District Aurangabad (Bihar).
2. Ramadhar Singh Son of Late Jagdeo Singh Resident of Village Ramabandh, P.O.- Aurangabad, P.S.- Aurangabad Town, District Aurangabad (Bihar).
3. Ramswaroop Singh Son of Late Mukhdeo Singh Resident of Village Ramabandh, P.O.- Aurangabad, P.S.- Aurangabad Town, District Aurangabad (Bihar).
4. Mahendra Chandrawanshi @ Mahendra Singh Son of Late Ramdas Ram @ Ramdas Singh Resident of Village Ramabandh, Ward No. 4, P.O. and P.S.- Aurangabad Town, District Aurangabad (Bihar).

... .. Petitioners

Versus

1. Yamuna Prasad Singh Son of Late Hit Narayan Singh Resident of Village Ramabandh, P.O.- Aurangabad, P.S.- Aurangabad Town, Block Deo, District Aurangabad (Bihar).
2. Ramdip Singh Son of Late Mukhdeo Singh Resident of Village Ramabandh, P.O.- Aurangabad, P.S.- Aurangabad Town, District Aurangabad (Bihar).
3. Sarju Prasad Singh Son of Late Hit Narayan Singh Resident of Village Ramabandh, P.O.- Aurangabad, P.S.- Aurangabad Town, District Aurangabad (Bihar).

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Jitendra Kishore Verma, Adv.
For the Respondent/s : Mr.Purushotam Sharma , Adv.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 07-04-2022 Heard the learned counsel for the petitioners as well as the
learned counsel for the respondents.

During pendency of Partition Appeal No. 07/19 before the
court of Additional District Judge-XI, Aurangabad, a petition has
been filed on behalf of the respondents/petitioner challenging the
maintainability of that title appeal on the ground of pecuniary



jurisdiction.

As submitted by the learned counsel for the petitioner, Mr. J.K. Verma, the suit was valued at Rs. 25,00,000/- in paragraph No. 20 of the plaint, but as per submission, that was interpolated and the digit 2 was overwritten and it was made as 5,00,000/-. As per provisions of Section 21 of Bengal, Agra and Assam Civil Courts (Bihar Amendment) Act, 2013, the pecuniary jurisdiction of the appellate court was enhanced up to Rs. 10,00,000/-.

After receiving the application on behalf of the petitioners, an inquiry was conducted vide order dated 08.03.2021 by the appellate court regarding the interpolation in the plaint. The learned appellate court initiated inquiry and fixed the case for 25.03.2021. Thereafter, vide impugned order dated 14.07.2021, the learned appellate court, on the basis of Bihar Civil Courts Act, 2021, assuming it to be enacted on 19.03.2021, has observed that the pecuniary jurisdiction of the appellate court has been enhanced up to Rs. 50,00,000/- and observed that there was no need to conduct inquiry initiated on 08.03.2021.

Learned counsel for the petitioner has submitted that Bihar Civil Courts Act, 2021 has not been enacted till date. It is at the bill stage and yet to attain the assent of His Excellency Governor of Bihar as well as His Excellency the President of India, as it affects the provisions of Bengal, Agra and Assam Civil Courts Act, 1887. Learned counsel for the petitioner has submitted further that it has



also not been passed in the Bihar Legislative Council.

During the course of argument, the learned counsel for the petitioners has provided a copy of that bill dated 19.03.2021, published in Bihar Gazette, which shows that it is a bill and up-till-now it has not been culminated into an Act.

On the other hand, learned counsel for the respondents has submitted that the valuation of the suit, as mentioned in the plaint, is Rs. 5,00,000/- and there is no interpolation at all.

The impugned order of the learned appellate court is based on the bill which has not taken the shape of the Act up-till-now, as such, the impugned order dated 14.07.2021 is set aside.

The learned appellate court is directed to conclude the inquiry initiated on 08.03.2021 and thereafter pass appropriate order regarding the valuation of the appeal.

With these observations, this civil miscellaneous petition is being disposed of.

(Nawneet Kumar Pandey, J)

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