

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.76 of 2018

1. Shyam Sundar Yadav, Son of Late Kaleshwar Yadav.
2. Yogendra Yadav, Son of Late Kaleshwar Yadav.
3. Vidya Nand Yadav, Son of Late Kaleshwar Yadav.
4. Most. Raimain Devi, W/o Upendra Yadav.
5. Bilas Kumar @ Bilas Yadav, Son of Upendra Yadav.
6. Kailash Kumar @ Kailash Yadav, Son of Upendra Yadav.
7. Pramod Kumar, Son of Upendra Yadav, All Resident of Village-Salkhua, P.S. Salkhua, District-Saharsa.

... .. Petitioner/s

Versus

1. Kameshwar Yadav, Son of Late Devi Yadav.
2. Umesh Yadav, Son of Late devi Yadav.
3. Sanjay Yadav, Son of Late Upendra Yadav.
4. Rekha Devi, D/o Upendra Yadav. All Resident of Village-Salkhua, P.S. Salkhua, District-Saharsa.
5. Md. Azhar Alam, Son of Late Khilafat Husain @ Khilo.
6. Md. Atahar Alam, Son of Late Khilafat Husain @ Khilo.
7. Bibi Saraiya Khatoon, D/o Late Khilafat Husain @ Khilo.
8. Bibi Rahi Begum, D/o Late Khilafat Husain @ Khilo.
9. Bibi Jehana Khatoon, D/o Late Khilafat Husain @ Khilo.
10. Bibi Rehana, D/o Late Khilafat Husain @ Khilo. All Resident of Village-Pratappur Tola, Khojraha, P.S.-Salkhua, District Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur, Advocate
		Mr. Manoj Kumar Pandey, Advocate
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

9 30-01-2023 Heard learned counsel for the petitioners.

2. The present Civil Miscellaneous application has been filed for quashing the order dated 18.9.2017 passed by the Munsif, Saharsa in Title Suit No. 13 of 2013 by which the



petition filed by the petitioners under Order-XIV, Rule 2 has been dismissed and disposed of holding that pecuniary jurisdiction of the Court is a mixed question of fact and law and hence cannot be tried as preliminary issue.

3. Learned counsel for the petitioners submits that this application may be disposed of with liberty to the petitioners to move the trial Court for framing of the issue of pecuniary jurisdiction, if not framed, as one of the issue alongwith other issues to be decided by the trial Court.

4. Accordingly, this Civil Misc. application is disposed of with liberty to the petitioners as prayed for.

(Sunil Dutta Mishra, J)

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