

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.344 of 2025

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Banshi Sah S/o Late Ram Lagan Sah, Resident of Mohalla- Shivganj, Ward No.07, Narkatiyaganj Town, P.S.- Shikarpur, District- West Champaran, Pin Code- 845455.

... .. Petitioner/s

Versus

1. Hari Sharma Son of Radhe Shyam Sharma, Resident Narkatiyaganj Town, Ward No.16, Near Dharmshala, Post- Narkatiyaganj, P.S. Shikarpur, District- West Champaran, Pin Code- 845455.
2. Dinesh Chandra Srivastava Son of Sukhdeo Prasad Srivastava, Resident Narkatiyaganj Town, Ward No.16, Near Dharmshala, Post- Narkatiyaganj, P.S. Shikarpur, District- West Champaran, Pin Code- 845455.
3. Ramesh Chandra Srivastava Son of Sukhdeo Prasad Srivastava, Resident Narkatiyaganj Town, Ward No.16, Near Dharmshala, Post- Narkatiyaganj, P.S. Shikarpur, District- West Champaran, Pin Code- 845455.
4. Faiyaz Alam Son of Late Reyazul Haque Ansari, Resident Narkatiyaganj Town, Ward No.16, Near Dharmshala, Post- Narkatiyaganj, P.S. Shikarpur, District- West Champaran, Pin Code- 845455.
5. Govind Prasad Gupta Son of Prithbichandra Gupta, Resident Narkatiyaganj Town, Ward No.16, Near Dharmshala, Post- Narkatiyaganj, P.S. Shikarpur, District- West Champaran, Pin Code- 845455.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Chandra Mauli Chaurasia, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 22-03-2025

Record taken up on mentioning being made on
behalf of the petitioner.

2. Heard learned counsel for the petitioner and I
intend to dispose of the petition at the stage of admission itself.

3. The petitioner is aggrieved by the order dated
25.10.2024 passed by learned Sub-Judge, Narkatiyaganj, West



Champan in Title Suit No. 96 of 2018 and the report of the Serishtedar dated 16.12.2024, whereby and whereunder the petitioner, who was plaintiff before the learned trial court, has been directed to make payment of Rs.50,000/- as *ad valorem* court fee.

4. Learned counsel for the petitioner submits that the impugned order and the valuation done is not proper. The suit was filed in the year 2018 and after summons defendant-1/respondent no. 1 appeared but he did not file written statement. Thereafter, vide order dated 05.02.2020 he was debarred from filing written statement and issues have already been framed on 23.03.2021 and thereafter, on application filed on behalf of defendant no.1/respondent no. 1 under Order 7 Rule 11(b) of the Code of Civil Procedure (hereinafter 'the Code'), the learned trial court called for a report from Sub-Registrar and on the basis of report of Sub-Registrar, the plaintiff/petitioner has been directed to make payment of *ad valorem* court fee of Rs.50,000/-. Learned counsel further submits that the learned trial court ought to have framed a preliminary issue with regard to court fee and thereafter passed the order but based solely on the report of the Sub-Registrar, it has passed the order and hence, the impugned order is not



sustainable.

5. Perused the record.

6. From perusal of record it transpires that earlier this petitioner has approached this Court by filing Civil Miscellaneous Jurisdiction No. 314 of 2024 for a direction to the learned trial court for disposal of the petition of defendant no. 1 filed under Order 7 Rule 11(b) of the Code and also for disposal of the title suit within a specified time period. Consequently, this Court directed learned Sub Judge 1st, Narkatiyaganj, West Champaran to take steps for disposal of petition dated 30.06.2022, filed on behalf of defendant no.1/ respondent no. 1 under Order 7 Rule 11(b) of the Code, within a month from the date of receipt/production of the said order and further directed the learned trial court to take up the matter in all earnest and try to dispose of Title Suit No. 96 of 2018 within a period of six months, if the disposal of petition dated 30.06.2022 has no effect on continuation of the title suit. Pursuant thereto the order dated 25.10.2024 has been passed by the learned trial court.

7. At the outset it is to be reminded that the payment of court fee is a matter between the plaintiff and the court and if the court has arrived at a finding that the suit was not properly



valued and after proper valuation of the suit, *ad valorem* court fee was directed to be paid, only for the reason that no preliminary issue was framed in this regard is hardly material when the orders of this Court are passed on MVR submitted by the Sub-Registrar. Therefore, I am of the view that the order of the learned trial court does not suffer from any infirmity and in the facts and circumstances no interference is required from this Court.

8. Accordingly, the present petition stands dismissed.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.03.2025
Transmission Date	NA

