



**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE G.S. AHLUWALIA

ON THE 20th OF SEPTEMBER, 2024

MISCELLANEOUS PETITION No. 5152 of 2024

ARVIND KUMAR AGARWAL

Versus

PRAVINDRA RANJAN CHOUDARY AND OTHERS

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Appearance:

Shri Abhishek Singh – Advocate for the petitioner.

Shri V.S. Choudhary – Government Advocate for respondent No.5/State.

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ORDER

This petition under Article 227 of Constitution of India has been filed seeking following relief(s):-

1. Quash the impugned order passed by the Trial Court on the application preferred under order 14 rule 5 CPC and deleting the issue no.6, 7, 8 & 9.
2. To pass any order deemed fit in the facts and circumstances of the case.

2. It is submitted by counsel for petitioner that by the impugned order, application filed by petitioner for deletion of issues No.6 to 9 has been wrongly rejected. However, after going through the order dated 09/07/2022 passed by the Trial Court, it was fairly conceded that the prayer for deletion of issue No. 6 was rightly rejected by the Trial Court. However, it is submitted that subsequently certain orders were passed which would cover the issue Nos.7, 8 & 9 and thus the Trial Court should have deleted the issue Nos.7, 8 & 9. It is further submitted that



so far as the question of valuation of suit is concerned, this Court by order dated 03/04/2023 passed in M.P. No.3913/2022 has already held that the suit was properly valued.

3. Considered the submissions made by counsel for petitioner.
4. Counsel for petitioner has fairly conceded that the order dated 03/04/2023 passed by this Court in M.P. No.3913/2022 was never brought to the notice of trial Court. It is also admitted that in case if the Trial Court finds that any particular issue has already been decided by passing an interlocutory order at the earlier stage, then it can refuse to deliberate upon the said issue.
5. Under these circumstances, this Court is of considered opinion that no case is made out warranting interference.
6. Petition fails and is hereby **dismissed**.

(G.S. AHLUWALIA)
JUDGE

S.M.