

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.541 of 2016**

=====

Suraj Pandey & Ors

.... Appellant/s

Versus

Nathuni Sah & Anr

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Rajesh Kumar

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 05-09-2016

Heard learned counsel for the petitioners.

Perused the order dated 14.03.2016 passed by Subordinate Judge-VII, Bettiah (West Champaran) in Title Suit No.495 of 2013 whereby the court below rejected the application under Order VII Rule 11 of the Code of Civil Procedure.

From perusal of the impugned order, it appears that the defendants filed the application for rejection of the plaint on two grounds. Firstly, that court fee paid by the plaintiffs is insufficient and secondly that the statements made by plaintiffs in various paragraphs of the plaint claiming to be Bataidar are false.

In my opinion, on these grounds raised by the defendants-petitioners, plaint cannot be rejected under Order VII Rule 11 of the Code of Civil Procedure as none of the provision of Order VII Rule 11 of the Code of Civil Procedure is applicable in the present case. Thus, this civil miscellaneous application is dismissed.

Harish/-

U			
---	--	--	--

(Mungeshwar Sahoo, J)