

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.959 of 2016**

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Kameshwar Prasad Singh & Ors

.... Appellant/s

Versus

Sheo Nath Singh

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pancham Lal Jaiswal, Adv.

: Mr. Raju Kumar Goswami, Adv.

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**

ORAL ORDER

2 27-10-2016

Heard learned counsel for the petitioner.

2. Perused the impugned order dated 02.05.2016 passed by the Sub Judge-VII, Saran at Chapra in T.S. No. 368 of 2015, whereby the learned court below refused to reject the plaint under Order 7 Rule 11 C.P.C.

3. It appears that the respondents filed suit for injunction. The defendant filed an application under Order 7 Rule 11 C.P.C. praying for rejection of the plaint on three grounds. Firstly, that the plaintiff has not disclosed the cause of action. Secondly, that the suit is not properly valued and thirdly, that the plaintiff has not paid the proper court fee.

4. So far first ground is concerned, it may be mentioned here that the Order 7 Rule 11(a) C.P.C. provides that if the plaint does not disclose a cause of action, the plaint has to be rejected.

The plaint cannot be rejected on the ground that the plaintiff has not mentioned cause of action. So far the second and third grounds are concerned, those are not mentioned in the provision for rejection of the plaint. Therefore, I find no reason to interfere with impugned order in exercise of supervisory jurisdiction. Thus this civil miscellaneous application is dismissed.

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(Mungeshwar Sahoo, J)