

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4393 of 2014

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Shailesh Kumar @ Shailendra Kumar

.... Petitioner/s

Versus

Kusumpuram Sahkari Grih Nirman Samittee Ltd.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

- 2 21-01-2016 1. Heard the learned counsel for the petitioner.
2. By the impugned order dated 30.07.2013, the learned Sub Judge-IIIrd, Danapur in Title Suit No.101 of 2006 rejected the application filed by under order VII Rule 11 CPC.
3. Perused the order passed by the Court below. Perused the application filed by the petitioner under Order VII Rule 11 CPC.
4. It appears that the petitioners filed the application under Order VII Rule 11 CPC praying therein to call for the report from the Sub Registrar, Rajgir bearing registration number mentioned in the prayer portion to show registration of the sale deed and after hearing arguments on the point of declaration and thereafter be pleased to dismiss the suit. The Court below by the impugned

order has held that all the points that is raised by the petitioner can be decided only after evidences.

5. From perusal of the above application itself, it appears that misconceived application was filed under Order VII Rule 11, no such relief can be granted. All the points which are being raised by the petitioners depend on the evidence and, therefore, the Court below has rightly rejected the application. Thus, this writ application has got no merit and accordingly, it is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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