

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1234 of 2016

=====

Rama Shankar Prasad

.... Appellant/s

Versus

Malhad Thakurbari @ Ram Janki Thakurbari the Deity

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Shailesh Kumar

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 28-11-2016 Heard learned counsel for the petitioner and learned
counsel for the respondent.

Perused the impugned order dated 22.08.2016 passed
by Munsif-I, Gaya in Title Suit No.17 of 2015 (wrongly typed as
Eviction Suit No.17 of 2015 on the top of the impugned order)
whereby the learned court below has rejected the application filed
by the petitioner under Order 7 Rule 11 (a) and (d) of the Code of
Civil Procedure.

The learned counsel for the defendant-petitioner
submitted that (1) the plaintiff has got no cause of action (2) the
suit is under value (3) the description of the suit property is wrong
(4) the property of the defendant is not the subject matter of the
suit and (5) that the plaintiff has got no *locus standi*.

The learned counsel for the respondent submitted that
on the grounds mentioned above by the defendant-petitioner plaintiff

cannot be rejected.

At the time of hearing of this civil miscellaneous application no provision of any law has been shown to the Court that under which provision the suit is barred by law. Further so far Order 7 Rule (a) and (d) CPC is concerned, it may be mentioned here that the plaintiff has got no cause of action is not a ground for rejection of the plaint. Likewise the other grounds mentioned and enumerated above are also not the ground for rejection of the plaint.

From perusal of the impugned order, I find that the court below has considered various decisions of the Supreme Court and has dismissed the application. As such, in exercise of supervisory jurisdiction, the impugned order needs no interference.

Thus, this civil miscellaneous application is dismissed.

Harish/-

(Mungeshwar Sahoo, J)

U			
---	--	--	--