

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1163 of 2016**

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Jagdeo Thakur

.... Appellant/s

Versus

Shiv Parwati Charan & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Singh

For the Respondent/s : Mr.

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

2 25-11-2016

Heard the learned counsel for the petitioner.

Perused the impugned order dated 08.07.2016 passed by Subordinate Judge I, Dalsingsarai, Samastipur in title suit No.155 of 2014 whereby the learned court below rejected the application filed by the defendant-petitioner under Order 7 Rule 11(d) C.P.C. praying for rejection of the plaint of present title suit No.155 of 2014.

It appears that the present suit has been filed for declaration of tile over the suit property. Admittedly, this relief cannot be granted by the D.C.L.R., Dalsingsarai in Misc. Case No.1 of 2015-16.

The only ground taken by the petitioner is that miscellaneous case is pending before the D.C.L.R. and, therefore, the plaint should be rejected.

In my opinion, this is nothing but a frivolous

application filed by the defendant-petitioner with a view to delay the disposal of the suit.

Therefore, this civil miscellaneous application is dismissed with cost of Rs.5,000/- to be paid by the petitioner in the court below to the plaintiff. The cost must be deposited within one month failing which the plaintiff shall be at liberty to realize the same through the process of the court.

(Mungeshwar Sahoo, J)

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