

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.44 of 2016**

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Shail Kumari Devi & Ors

.... Appellant/s

Versus

Dilip Kumar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shri Prakash Srivastava

For the Respondent/s : Mr. Ga7- Subhash Pd.Singh

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

3 12-07-2016

Heard the learned counsel, Mr. Shri Prakash Srivastava, for the petitioner and the learned counsel, Mr. Dhananjay Kumar, for the respondent. Heard the learned counsel, Mr. Indeshwari Prasad Mandal, A.C. to G.A.7 for the State.

Perused the order passed by the Court below.

It appears that the Court below while rejecting the application filed by the petitioner for dismissal of the suit has assigned good reasons for not dismissing the suit under Order 7 Rule 11 CPC. The Court below also relied upon several decisions.

In such view of the matter, the impugned order dated 16.3.2016 passed by Sub Judge XIII, Motihari in Title Suit No.428 of 2015 cannot be said to be without jurisdiction nor it can be said that the order passed caused any prejudice to the petitioner nor it can be said that the order has been passed in the manner not permitted by law.

Therefore, this Civil Misc. Application is dismissed.

Sanjeev/-

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(Mungeshwar Sahoo, J)