

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1021 of 2016**

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Ajay Mahto @ Ajay Kumar & Ors

.... Appellant/s

Versus

Ram Charitra Mahto

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar Sinha

For the Respondent/s : Mr.

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

2 28-10-2016

Heard learned counsel for the petitioners.

Perused the impugned order dated 22.06.2016 passed by learned Munsif, Danapur in Title Suit No.2199 of 2015 whereby the learned court below rejected the application filed by the defendants-petitioners under Order 7 Rule 11 C.P.C.

From perusal of the impugned order, it appears that the court below considering the ground on which the application was filed and prayer was made for rejection of the plaint held that for deciding the point raised by the petitioners evidence is required.

It is settled principles of law that at the time of consideration of an application under Order 7 Rule 11 C.P.C. only the averments made in the plaint are required to be gone into and not the statements made in the written statement or in the application under Order 7 Rule 11 C.P.C. Reference may be made in this respect to the decision of the Supreme Court, (2015) 8

Supreme Court Cases 331.

Thus, I find no reason to interfere with the impugned order and accordingly, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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