

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.141 of 2016**

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Dinesh Kumar

.... Appellant/s

Versus

Smt. Rampari Devi & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arvind Kumar Tewary

For the Respondent/s : Mr.

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

2 04-08-2016

Heard learned counsel, Mr. Arvind Kumar Tiwary,
appearing for the petitioner.

2. Perused the order dated 19.01.2016 passed by the
Sub-Judge-IV, Danapur in T.S. No. 251 of 2012.

3. It appears that prayer was made by the present
petitioner to reject the plaint on the ground that there is no cause
of action as the plaintiff is claiming title on the basis of oral sale of
the Year 1980 and secondly there is no basis for valuing the suit at
Rs. 1,00,000/-.

4. At the time of hearing of this civil miscellaneous
application, copy of the plaint was presented by the learned
counsel for the petitioner before me.

5. From perusal of the plaint, it appears that the
plaintiff is claiming title on the basis of adverse possession on the
ground that in fact, he came to possession on the basis of oral sale.

6. In my opinion, therefore, the bundle of fact entitling the plaintiff to claim title is there in the body of the plaint, as such, the plaint discloses the cause of action.

7. So far Order 7 Rule 11(d) C.P.C. is concerned, no provision has been shown as to under which provision of law, the suit is barred. It was only argued that as to how the valuation is Rs.1,00,000/-. This cannot be a ground for rejection of the plaint and the cause of action under Order 7 Rule 11 (d) C.P.C. Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this civil miscellaneous is dismissed.

(Mungeshwar Sahoo, J)

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