

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CIVIL MISCELLANEOUS JURISDICTION No.776 of 2016**

=====

Jitan Rai

.... .... Appellant/s

Versus

Munni Devi

.... .... Respondent/s

=====

**Appearance :**

For the Appellant/s : Mr. Shiva Shankar Sharma

For the Respondent/s : Mr.

=====

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

2 29-09-2016

Heard learned counsel, Mr. S.S. Sharma, appearing  
for the petitioner.

2. Perused the impugned order dated 20.01.2016 passed  
by the learned Munsif, Danapur in T.S. No. 68 of 2015, whereby  
the learned court below has rejected the application filed by the  
petitioner under Order 7 Rule 11 C.P.C. praying for rejection of  
the plaint on the ground that the plaint does not disclose cause of  
action.

3. From perusal of the impugned order, it appears that  
the court below has passed a reasoned order. It is settled principle  
of law that at the time of consideration of an application Order 7  
Rule 11 C.P.C., the statement or defence, pleaded in the written  
statement or in the application under Order 7 Rule 11, cannot be  
considered. Only the statement made in the plaint is required to be  
gone into. Now, therefore, the court below, considering all these

aspects of the matter, has rejected the application under Order 7 Rule 11 C.P.C. therefore, in my opinion, there is no jurisdictional error, as such, this civil miscellaneous application is dismissed.

brajesh/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

**(Mungeshwar Sahoo, J)**