

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9771 of 2014

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Rajiv Kumar Srivastava Son of Late Yogendra Prasad Srivastava resident of village- Ramnagar, P.S- Ramnagar, District- West Champaran.

.... Petitioner/s

Versus

1. Brijesh Kumar Srivastava Son of Late Bhagwati Prasad Verma resident of Village Maldahiya, P.O- Narkatiaganj, P.S- Shikarpur, Office of the Sub-Registrar, Shikarpur, District- West Champaran.
2. Mst. Shital Shah Wife of Late Ashok Bikram Shah Resident of village- Ramnagar, Nepali Tola, P.O AND P.S- Ramnagar, District- West Champaran.
3. Anwarul Ansari
4. Mumtaz Ansari Both Sons of Idrish Mian resident of Village- Manwa Parsi, P.O- Manwa, P.S- Shikarpur, District- West Champaran.
5. Gaffar Ansari
6. Sipahi Ansari
7. Hasnain Ansari
8. Abul Ansari 5 to 8 minors sons of Idrish Mian residents of village- Manwa Parsi, P.O- Manwa, P.S- Shikarpur, District- West Champaran.
9. Ghanshyam Mukhiya Son of Late Saudagar Mukhiya resident of Village- Sherpur, P.O- Sherwa Masjidwa, P.S- Matariya, District- West Champaran.
10. Basarat Ansari son of Bhikhi Ansari resident of Village AND P.O- Sherwa Masjidwa, P.S- Matariya, District- West Champaran.
11. Chhotelal Sah Son of Late Fani Sah resident of Village AND P.O- Sherwa Masjidwa, P.S- Matariya, District- West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

2 17-05-2016

Heard the learned counsel for the petitioner.

Calling in question the legal sustainability of the impugned order by which the learned court below has rejected the petition filed by the petitioner under Order 7 Rule 11 C.P.C, the present application under Article 227 of the Constitution of India has been filed.

It is apparent from the impugned order that the prayer for rejection of the plaint has been made by the defendant on the grounds which only raise mixed question of law and facts. The learned court below has enumerated in detail the objections raised by the defendant in his petition and after the scrutiny of the same has declined the prayer as made by the petitioner. It is manifest that the grounds raised by the petitioner require determination on the basis of evidence to be adduced by the parties and cannot therefore be the basis for rejection of the plaint. This Court has not been persuaded to find any error of jurisdiction or material irregularity in the impugned order.

The application is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

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