

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1210 of 2016

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1. Nagendra Singh Son of Late Dhrub Singh Resident of Village -
Nawabganj, Basatola, P.o. - Balhi Maheshpur, P.S. - Kursela, District -
Katihar.

.... Appellant/s

Versus

1. Ram Udgar Singh Son of Late Raghu Singh Resident of Village -
Nawabganj, Basatola, P.o. - Balhi Maheshpur, P.S. - Kursela, District -
Katihar at present Bhabanagar, Bhagwanpur, P.O. - Bhagwanpur, P.S. -
Sadar, District - Muzaffarpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Rajpati

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

3 08-12-2016

Heard learned counsel for the petitioner.

Perused the impugned order 17.08.2016 passed by
the learned Sub Judge-1st, Katihar in Title Suit No. 106 of 2012
whereby the learned court below rejected the application filed by
the petitioner under Order 7 Rule 11 of the CPC praying for
rejection of the plaint.

The application under Order 7 Rule 11 CPC has been
annexed as Annexure-1 to this Civil Misc. Application. From
perusal of the application it appears that only general statements
have been made as if it is a written statement and without
specifying as to which clause of Order 7 Rule 11 is applicable,
statement has been made that present suit is not maintainable,



therefore, the plaint be rejected.

In my opinion, on the ground that the suit is not maintainable the plaint cannot be rejected. It appears that this application filed by the petitioner is nothing but frivolous application and has been filed only with a view to delay the disposal of the suit and therefore, this Civil Misc. Application is dismissed with cost of Rs. 5,000/- to be paid by the petitioner to plaintiff-respondent in the court below within a period of one month, failing which the court below shall realize the same through the process of the court.

(Mungeshwar Sahoo, J)

siddharth/-

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