

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14849 of 2013

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Guleshwar Devi @ Gayatri Devi W/O Sri Lata Singh Resident Of Village-
Bathani, P.O- Bathani, P.S- Namachak Bhathani, District-Gaya., At Present
Resident Of Mohalla- Patel Nagar (Rajgir), P.S- Rajgir, P.O- Rajgir, Distt-
Nalanda.

.... Petitioner

Versus

1. Devendra Prasad Singh S/O Sri Lala Singh Resident Of Village
Bathanir, P.O- Bathani, P.S- Nimachak, Bathani, District- Gaya., At
Present Resident Of Village- Sabalpur, P.S- Rajgir, P.O- Rajgir Nagar
Panchayat Area, District- Nalanda.
2. Ram Janam Sharma S/O Lala Singh Resident Of Village Bathanir, P.O-
Bathani, P.S- Nimachak, Bathani, District- Gaya., At Present Resident
Of Village- Sabalpur, P.S- Rajgir, P.O- Rajgir Nagar Panchayat Area,
District- Nalanda.

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

3 09-12-2016 Nobody appears on behalf of the petitioner.

This application has been filed under Article 227 of the
Constitution of India questioning the legal validity of the impugned
order by which the learned court below has dismissed the petition of
the defendant-petitioner under Order VII Rule 11.

The defendant-petitioner has raised objection regarding
maintainability of the suit on the ground that the suit property was
Stridhan and self acquisition of the defendant-petitioner and was not
an acquisition by the joint family. The learned court below has
considered the facts and circumstances of the case and has rightly
come to the conclusion that the objections raised by the defendant-
petitioner including the objection regarding the bar under the



provisions of Benami Transaction Act are appropriately to be decided at the time of hearing of the suit on the issue of maintainability of the suit. This Court has not been persuaded to hold that the learned court below has exercised its jurisdiction illegally.

This application is accordingly dismissed.

(V. Nath, J.)

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