

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1204 of 2016**

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Dina Yadav

.... Petitioner/s

Versus

Rajeshwar Prasad

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mohit Kumar

For the Respondent/s : Mr.

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

2 25-11-2016

Heard the learned counsel for the petitioner.

Perused the impugned order dated 25.07.2016 passed by Sub Judge VI, Patna City in Title Suit No.251 of 2010(wrongly typed as Title Suit No.251 of 2016 in first paragraph) whereby the learned Court below rejected the application under Order 7 Rule 11 C.P.C. filed by the petitioner.

The application under Order 7 Rule 11 C.P.C. is Annexure 2 to this Civil Miscellaneous application. According to this application, Annexure 2, the plaintiff prayed for rejection of the plaint on the ground that the plaintiff has got no cause of action for the suit and the suit is therefore, liable to be dismissed.

Order 7 Rule 11(a) of the Code of Civil Procedure provides that the plaint can be rejected only if the plaint does not disclose cause of action. On the ground that the plaintiff has got no cause of action, the plaint cannot be rejected.

Therefore, I find no reason to interfere with the impugned order and accordingly, this Civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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