

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12391 of 2015

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Mritunjay Kumar

.... Petitioner/s

Versus

Kumar Avinash @ Abinash Prasad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 04-05-2016

Heard the learned counsel, Mr. Shailendra Kumar Jha for
the petitioner.

It appears that the defendant in eviction suit filed the
application under Order VII Rule 11 C.P.C. for rejection of the
plaint on the ground that the defendant is a tenant of the mother of
the plaintiff and unless mother is made party, the eviction suit is
not maintainable, therefore, the plaint should be rejected by the
impugned order. The Court below rejected the application filed by
the petitioner.

Since the ground taken by the petitioner for rejection of
the plaint is not covered under any clause of Order VII Rule 11
C.P.C., the Court below has rightly rejected the application.
Therefore, I find no reason to interfere with the impugned order.

Accordingly, this writ application is dismissed.

Saurabh/-

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(Mungeshwar Sahoo, J)