

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.105 of 2016

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Shiv Prasad Yadav, Son of Late Hareshwar Rai, Resident of Village-Chakmahila,
P.S.+District-Sitamarhi.

.... Petitioner

Versus

Harikishor Rai, Son of Late Harnandan Rai, Resident of Village-Chakmahila,
P.S.+District-Sitamarhi.

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 11-05-2017

Heard the learned counsel for the petitioner.

The plaintiff is the petitioner in this revision application and is aggrieved by the order by which his prayer for rejecting the counter claim filed by the defendant at the threshold has been turned down by the trial court.

After considering the submissions and perusal of the impugned order, it is evident that the suit has been filed by the plaintiff for declaration of title over the suit land. The defendant after appearance filed the counter claim praying for partition of the suit land. The learned counsel for the petitioner has submitted that the said counter claim filed by the defendant ought not to have been entertained in view of the fact that in his sale deed the defendant has already accepted that there had been partition of the suit land. This



Court does not find substance in the submission on behalf of the petitioner for the purpose of rejection of the counter claim at the threshold. This Court does not find that the learned court below has committed error of jurisdiction or illegality in passing the impugned order.

This revision application sans merit is dismissed.

(V. Nath, J)

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