

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No.116 of 2015

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Most. Savitri Devi & Ors

.... Petitioner/s

Versus

Rita Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dev Kumar Pandey

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 17-08-2017 Heard learned counsel for the petitioners and perused the record.

This revision petition has been filed against the order dated 07.05.2015 passed by the learned Sub-Judge III, Buxar in Title Partition Suit No. 423 of 2010 by which and whereunder he rejected the petition filed under Order VII Rule 11 of the Civil Procedure Code on behalf of the petitioners, who are defendants in the aforesaid Title Partition Suit no. 423 of 2010.

The respondent opposite party 1st set/ plaintiff filed Title Partition Suit No. 423 of 2010 for partition of ancestral property. The petitioner and other defendants appeared in the aforesaid suit and subsequently, the petition under order VII Rule 11 of the Civil Procedure Code has been filed praying therein to reject the plaint of the opposite party 1st set/ plaintiff. The learned court below rejected the aforesaid petition passing impugned order



against which this revision petition has been filed. Petitioners claimed rejection of plaint of Title Partition Suit no. 423 of 2010 on the ground that the amendment made in section 6 of Hindu Succession Act shall not apply in respect of the opposite party 1st set/ plaintiff and, therefore, her plaint is liable to be rejected but in my view, the learned court below rightly observed that the aforesaid question of law is a mixed question of law and fact and can only be decided after taking evidence.

Therefore, in my view this revision petition is devoid of merit and accordingly, this revision petition stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

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