

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No.60 of 2016

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Prem Nandan Prasad, son of late Govind Prasad, resident of Mohalla-Madhopur, P.S.-Kotwali, Distt.-Munger.

.... Petitioner

Versus

1. Nigam Chandra Mishra son of late Bibhuti Chandra Mishra
 2. Nilmani Mishra son of late Nigam Chandra Mishra
 3. Abhishek Mishra, son of late Nigam Chandra Mishra
 4. Veena Mishra wife of Nigam Chandra Mishra
- O.P. no. 1 to 4 are resident of Mohalla-Raisar, P.S. Kotwali, District-Munger.

.....Plaintiffs/O.Ps.

5. Smt. Shanta Devi wife of Sri Ugra Mohan Mishra
 6. Kamlendu Mishra, son of Smt. Shanta Devi
 7. Vijay Bhushan Mishra son of Late Radhik Lal Mishra
- O.P. nos. 5 to 7 are resident of Mohalla-Raiser, P.S.-Kotwali, Distt. Munger.

.....Defendant Ist parties/O.Ps.

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Appearance :

For the Petitioner : Mr. T. N. Maiitin, Sr. Advocate

For the opposite parties : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

4 23-03-2017 Heard Mr. T. N. Maitin, learned senior counsel
appearing on behalf of the petitioner.

The present revision application has been filed against the order of the learned court below rejecting the prayer of the defendant-petitioner for rejection of the plaint under Order 7 Rule 11 of the Code of Civil Procedure.

After considering the submissions made on behalf of the petitioner and on perusal of the impugned order, it is apparent that plaintiffs have filed the suit for cancellation of the sale deed of



the year 1966 and also for removal of encroachment. However, from the averment made in the plaint (Annexure-1), it does not appear that the suit is clearly barred by limitation or no cause of action for the suit has been disclosed by the plaintiffs. The learned court below, after considering the facts and circumstances of the case as well as the settled principles of law has come to the conclusion that the issues require determination on trial.

This Court does not find that the learned court below has committed any error of jurisdiction or illegality while passing the impugned order rejecting defendant's prayer for rejection of the plaint. Accordingly, the revision petition, sans merit, is dismissed.

(V. Nath, J)

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