

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No.73 of 2016

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Dinesh Thakur son of Chokat Thakur, resident of village Kurwa Mathiya,
Ugrasen Ka Tola, P.S. Chanpatia, District-West Champaran.

.... Petitioner/s

Versus

1. Amar Thakur son of Khushipal Thakur.
2. Sanjay Thakur.
3. Ajay Thakur,
4. Rakesh Kumar, all son of Amar Thakur, all resident of village- Kurwa Mathiya, Ugrasen Ka Tola, P.S. Chanpatia, District-West Champaran.
5. Sunil Thakur, son of Chokat Thakur.
6. Most. Briju Kunwar, wife of Chokat Thakur, opposite party nos. 5 and 6 resident of village- Kurwa Mathiya, Ugrasen Ka Tola, P.S. Chanpatia, District-West Champaran.
7. Sushila Devi daughter of Chokat Thakur, wife of Byas Rai, resident of Rai Dhurwa, P.O. Khairiya, P.S. Manuapul, District-West Champaran.
8. Raghunath Thakur, son of Khushilal Thakur.
9. Vijay Thakur, son of Raghunath Thakur.
10. Vikas Thakur, son of Raghunath Thakur. Opposite party nos. 8 to 10 resident of village- Kurwa Mathiya, Ugrasen Ka Tola, P.S. Chanpatia, District-West Champaran.
11. Most. Chandravarma, wife of late Mangal Thakur.
12. Baleshwar Thakur.
13. Akhilesh Thakur.
14. Rajesh Thakur, all son of late Mangal Thakur.
15. Shekh Thakur, son of Jamadar Thakur.
16. Jhotil Thakur, son of Saryug Thakur.
17. Ramkeshwar Thakur, son of Saryug Thakur, opposite party nos. 11 to 17 resident of village- Kurwa Mathiya, Ugrasen Ka Tola, P.S. Chanpatia, District-West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

4 28-03-2017 By the impugned order, the learned court below has rejected the petition under Order VII Rule 11 C.P.C. filed on behalf of the defendant in the suit.

The defendant-petitioner in this application under Order VII Rule 11 C.P.C. has asserted that the present suit cannot proceed as it is barred by res judicata in view of the judgment and decree passed in the earlier suit.

The learned court below, after considering the submissions and materials brought on record has come to the conclusion that neither the parties nor the subject matter was same in both the suits. It has further been concluded that the relief claimed in both the suits were not identical. This Court, therefore, does not find that the learned court below has committed error or material irregularity in passing the impugned order.

The revision application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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