

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No.10 of 2018

Uma Devi wife of Baidyanath Hajara Resident of Mohalla - I.T.I. Jay Prakash
Nagar, P.O. Bettiah, Police Station - Bettiah Muffasil, District - West
Champaran.

... .. Defendant Ist Party-Petitioner

Versus

1. Sushil Kumar Gupta son of Sri Shambhu Prasad Gupta Resident of Mohalla -
Ujjain Tola, Mohawat Toli, Bettiah Ward No. 36, P.O. and Police Station -
Bettiah Town, District - West Champaran.

... ..Plaintiff/Opposite Party Ist Set

2. Most. Jagrani Devi wife of Late Sukul Manjhi
3. Bikash Kumar
4. Disha Kumari
5. Khusbu Kumari
6. Baby Kumari
7. Choti Kumari All 3 to 7 minor son and daughter of Late Sukul Manjhi under
guardianship of mother Most. Jagrani Devi
8. Paras Manjhi son of Raghunath Manjhi All 2 to 8 residents of village - Barwat
Parsaini, Kharshal No. 2, Mushar Toli, P.O. Bettiah, Police Station - Bettiah
Muffasil, District - West Champaran.

... .. Defendants 2nd Party/Opposite Parties 2nd Set

Appearance :

For the Petitioner/s : Mr. Ram Kishun Prasad
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 31-10-2018 Heard the learned counsel for the petitioner.

The petitioner has filed this civil revision petition
against order dated 06.11.2017, passed by the learned Sub-
Judge-III, West Champaran, Bettiah in Title Suit No.225 of 2014
by which the learned Sub-Judge dismissed the petition of the
petitioner filed under Order VII Rule 11 of the CPC.

The learned counsel for the petitioner submits that the
petitioner is the defendant. The petitioner filed the petition that



the plaintiff has got no cause of action. The disputed property is not clearly described and the suit has also been undervalued but I find on perusal of the record that the court has categorically held that the cause of action depends on the bundle of facts and for deciding the cause of action, the defence of the defendants cannot be taken at this stage. The same shall be decided on the basis of the facts stated in the plaint. The question of valuation of the suit is also dependent on different facts and accordingly the court has decided that the suit is not barred under Order VII Rule 11 of the CPC.

I do not find any illegality or jurisdictional error in the order dated 06.11.2017, passed by the learned Sub-Judge-III, West Champaran, Bettiah in Title Suit No.225 of 2014. Accordingly, the civil revision petition is dismissed.

(Prabhat Kumar Jha, J)

S.KUMAR/-

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