

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.25 of 2018

1. Naresh Paswan @ Ramnaresh Paswan, S/o Manik Paswan.
2. Ramashish Rajak, S/o Late Bhajan Rajak, Both Residents of Village-Marshaiti, P.S.- Teghra, District - Begusarai.

... .. Petitioner/s

Versus

1. Ramadhar Yadav, S/o Late Ramdeo Yadav,
2. Mintu Yadav, S/o Late Ramdeo Yadav,
3. Dhaneshwar Yadav
4. Bineshwar Yadav
5. Bhushan Yadav, All Sons of Late Jago Yadav,
6. Ram Parikshan Yadav
7. Chamo Yadav
8. Kamo Yadav, All Sons of Late Kailash Yadav,
9. Ram Rajee Yadav, S/o Late Dhanik Yadav
10. Punit Yadav
11. Lalo Yadav,
12. Nunu Lal Yadav, All Sons of Late Ramautar Yadav,
13. Ramprit Yadav, S/o Late Tilo Yadav, All Resident of Village - Kaji Rasalpur, P.O. and P.S.- Teghra.
14. Chano Yadav, S/o Late Badari Yadav,
15. Ram Balak Yadav, S/o Late Somwari Yadav,
16. Ram Prakash Yadav,
17. Ram Pukar Yadav,
18. Ram Pravesh Yadav, All Sons of Late Tilo Yadav,
19. Chingi Yadav, S/o Late Chhitan Gope, All Resident of Village - Kaji Rasalpur, P.O. and P.S. - Teghra, District - Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 03-04-2019

Heard learned counsel for the parties.



2. By the impugned order dated 01.12.2017, passed in Title Suit No. 345 of 2011, the learned Civil Judge, Senior Division, Teghra in Begusarai Judgeship has rejected the prayer of the petitioner, who was defendant 1st party, in the suit to reject the plaint under Order 7, Rule 11 of the Code of Civil Procedure (in short 'C.P.C.).

3. The plaintiff filed the suit for declaration of title and confirmation of possession as well as permanent injunction on the ground that the suit property was of the plaintiff and the claim was based on entry in the survey records of right. The defendant appeared and challenged the claim of the plaintiff by filing written statement claiming the suit property on the basis of grant of Patta (settlement) in the year 1985 in Settlement Case No. 02 of 1984-85. The defendant further challenged that the material fact has been suppressed in the suit as such the cause of action is imaginary one and the suit is under valued. The court below observed that para 16 of the plaint disclosed a cause of action and other points can be decided at the time on hearing of the suit.

4. After hearing learned counsel for the petitioners, I do not find that the learned court below has acted with material irregularity or illegality in coming to the conclusion aforesaid. The grounds raised in the written statement cannot be considered for



rejection of the plaint nor any ground for rejection of the plaint mentioned under Order 7, Rule 11 of the C.P.C. is made out. Hence, this civil revision has got no merit. Accordingly, it stands dismissed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	04.04.2019
Transmission Date	04.04.2019

