

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.14 of 2018

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Rajesh Kumar Son of Kailash Rai resident of Mohalla - Betrwan Bazar Police Station Kasim Bazar, Post Office Munger District Munger.

... .. Petitioner/s

Versus

Sanjay Kumar Kashyap Son of Late Narayan Prasad resident of Mohalla - Kera Maidan Mohalla - Betrson Bazar Police Station Kasim Bazar, Post Office Munger, District Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 24-02-2020 There is no representation on behalf of the petitioner.

2. The present civil revision application is barred by limitation.

3. I.A. No.3515 of 2018 has been filed for condonation of delay. The impugned order was passed on 20.09.2017, whereas this application has been filed on 13.02.2018. It has been stated in the application, seeking condonation of delay that the limitation for filing revision application expired on 05.01.2018 and since the petitioner fell ill in December, 2017, he had to undergo treatment and, therefore, immediately, after he recovered from his ailment, he took steps for filing civil revision application.

4. Considering the facts and circumstances, the delay



in filing the civil revision application is condoned.

5. As has been noted above, the present civil revision application was filed more than two years ago on 13.02.2018 under Section 115 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'the Code') for setting aside an order dated 20.09.2017. The said order has been passed by the learned Sub-Judge-I, Munger in Title Eviction Suit No. 01 of 2016, whereby petitioner's application under Order VII, Rule 11 of the Code for rejection of the plaint has been dismissed. The petitioner had sought for rejection of the plaint mainly on the ground that the eviction suit had been filed in relation to two different suit premises and two different agreements and, therefore, one application for eviction from both the premises would not be tried in one suit.

6. The ground, which the petitioner has taken for rejection of the plaint was certainly not a *germane* ground to exercise power under Order VII Rule 11 of the Code. Learned Court below has rightly pointed out in the impugned order that the relationship of landlord and tenant is an admitted fact and in a petition under Order VII, Rule 11 of the Code, the Court has to examine the averments made in the plaint. A copy of the plaint has been brought on record by way of Annexure-1 to this



application.

7. I do not find any legal infirmity in the impugned order, whereby the Court below has recorded that the plaint discloses cause of action and the same is not barred by any law.

8. Considering the above, I do not find any merit in this application, which is accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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