

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.200 of 2022

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Bijay Kumar Mandal @ Vijay Kumar Mandal son of Late Bhubneshwar Mandal, resident of Mohalla- Chhoti Keshopur, Nalapar (near Bamkali Mandir), P.O. and P.S.- Jamalpur, District- Munger, Bihar.

... .. Petitioner/s

Versus

1. Mala Devi W/o Rajesh Mandal, Daughter of Bijay Kumar Mandal, resident of Mohalla- Chhoti Keshopur, Nalapar, Faridpur Road, P.O. and P.S.- Jamalpur, District- Munger.
2. Poonam Devi W/o Mithlesh Kumar Mandal, Daughter of Bijay Kumar Mandal resident of Mohalla- Chhoti Keshopur, Nalapar, Faridpur Road, P.O. and P.S.- Jamalpur, District- Munger.
3. Arbind Kumar Mandal @ Mangal Singh son of Bijay Kumar Mandal, resident of Mohalla- Chhoti Keshopur, Nalapar, Faridpur Road, P.O. and P.S.- Jamalpur, District- Munger.
4. The Chief Works Manager, E. Railway Workshop, Jamalpur, Dist.- Munger, PIN- 811214.
5. The Deputy Chief Works Manager, E. Railway Workshop, Jamalpur, Dist.- Munger, PIN- 811214.
6. The Workshop Personnel Officer, E. Railway Workshop, Jamalpur, Dist.- Munger, PIN- 811214.
7. The Assistant Personnel Officer, E. Railway Workshop, Jamalpur, Dist.- Munger, PIN- 811214.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manohar Prasad Singh, Advocate
For the Respondent No.3: Mr .Ram Sevak Choudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-06-2022 The petitioner is defendant in a suit bearing Title

Suit No. 137 of 2019 filed by the Respondent-Plaintiff. The

petitioner is aggrieved by the impugned order by which

petition dated 16.9.2020 filed under Order 7 Rule 11 of the

Civil Procedure Code has been rejected by the learned court

below vide order dated 9.3.2021.



Heard learned counsel for the parties and perused the impugned order.

Learned counsel for the petitioner failed to show from the plaint that the suit is barred by any law and only submits that relief sought by the Plaintiff-Respondent is time barred.

On the other hand, learned counsel for the Plaintiff-Respondent No. 3 submits that from perusal of Schedule-I of the plaint it would be evident that the suit property belongs to grandfather of the plaintiffs-Respondents and on the basis of the fact that it is a joint family property, the Respondents have filed the suit for partition and also claimed to be added as family members of the petitioner before his employer i.e. the Railway. He next submits that the suit is not barred by law of limitation or any other law.

Having heard learned counsel for the parties and after going through the impugned order, I find that there is no infirmity in the same. The learned court below has rightly rejected the petition filed by the petitioner under Order 7 Rule 11 CPC inasmuch as the petitioner has failed



to establish from the statement made in the plaint that suit is barred under the law or the plaint does not disclose a cause of action.

Accordingly, this application stands dismissed.

(Anil Kumar Sinha, J)

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