

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.267 of 2022

Ashok Kumar Ray son of Late Ved Narayan Kamti, Resident of Village-Navtoliya, P.O.-Sumbha Deorhi, P.S.-Singhiya, District-Samastipur.

... .. Petitioner/s

Versus

1. Manju Devi Wife of Late Ratneshwar Kamti, resident of Village-Navtoliya, P.O.-Sumbha Deorhi, P.S.-Singhiya, District-Samastipur, PIN-848209.
2. Sumit Kumar son of Late Ratneshwar Kamti, resident of Village-Navtoliya, P.O.-Sumbha Deorhi, P.S.-Singhiya, District-Samastipur, PIN-848209.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

2 28-06-2022 Heard learned counsel for the parties.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

“That this is an application to set aside the Order dated 22-03-2022, passed by the learned Sub Judge-IV, Rosera in Title Suit No. 183 of 2018 through which the petition dated 07-01-2022 filed by the Petitioner/ Defendant no. 1 has been dismissed without considering the facts and law involved in the case.”

3. The respondents/defendants filed a suit in which petitioner /defendant has arrayed as a party. Subject matter is relating to Survey Plot No. 15, Khata No. 05, Thana No. 137 situated at Mauza – Bijmaniya Police Station and Circle-Singhiya, District-Samstipur.



4. The petitioner/defendant No. 1 filed a petition on 07.01.2022 in Title Suit No. 183 of 2018 and sought for dismissal of suit in terms of the statement made in paragraph No. 11 of the plaint that the plaintiffs have no concern with the Survey Plot No. 15 and 16 and they have no claim over the Survey Plot No. 15 and 16 as the petitioner – defendant is concerned only with the Survey Plot No. 15.

Respondent-plaintiff filed a rejoinder on 17.01.2022. Learned Sub Judge after due examination of the prayer of the respondent – plaintiff proceeded to dismiss the petitioner's application/petition.

The petitioner counsel could not apprise that plaintiff relief is against Survey Plot No. 15 and it is disputed by the petitioner – defendant, therefore, there is no infirmity in the impugned order dated 22.03.2022.

Accordingly, present petition stands dismissed.

(P. B. Bajanthri, J)

GAURAV S./-

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