

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.14 of 2020

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Binod Kumar Singh @ Vinod Kumar Singh Son of Subhuklal Singh Resident of Sanha Naya Tola, Post Office- Bakhadda, District- Begusarai, P.S. Sahebpur Kamal.

... .. Defendant 1st party/Petitioner/s

Versus

Deonandan Prasad Singh Son of Late Achmbhit Prasad Singh Resident of Sanha Naya Tola, Post Office- Bakhadda, District- Begusarai, P.S.Sahebpur Kamal

... ..Plaintiff/Opposite party

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Appearance :

For the Petitioner/s : Mr.Rajesh Sinha
For the Respondent/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

CAV ORDER

13 12-01-2024 I have already heard the parties.

2. This civil revision is directed against the order dated 14.10.2019, passed by learned Sub-Judge, Ballia, Begusarai, whereby the petition of the petitioner/defendant under Order VII, Rule 11 of the Code of Civil Procedure (hereinafter referred to as 'the Code'), was rejected

3. The learned counsel for the petitioner has submitted that from bare perusal of the plaint itself it appears that it does not disclose the cause of action. The plaintiff himself admitted in the plaint that the sale deed, on which he was claiming his right and title, was cancelled and on the basis of cancelled sale deed, no right, title or possession can be claimed. He submitted



further that the learned trial court committed illegality in refusing the application of the petitioner/defendant, whereby a prayer was made to reject the plaint under Order VII, Rule 11 of the Code.

4. The learned counsel for the opposite party submits that the plaintiff has specifically stated in para-12 of the plaint that the cause of action arose on 15.04.2018 when the defendant/first party gave threat of dispossession to the plaintiff.

5. It is a settled principle of law that for considering a petition under Order VII, Rule 11 of the Code, except the plaint, no extraneous material can be looked into.

6. In para-12 of the plaint, the plaintiff has specifically mentioned that the cause of action arose on 15.04.2018 when a threat was given to him by the petitioner/defendant to dispossess him from the land in dispute. It appears that the plaint explicitly disclosed the cause of action. So far as the cancellation of sale deed is concerned, though the plaintiff/opposite party has mentioned in the plaint that the registering authority had no jurisdiction to cancel the sale deed and the order of the registering authority is without jurisdiction.

7. In my view, since the plaint has explicitly disclosed the cause of action, the order under revision does not require



interference.

8. Accordingly, this revision application stands dismissed.

(Nawneet Kumar Pandey, J)

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