

KABC170005022025



**IN THE COURT OF LXXXII ADDL. CITY CIVIL &  
SESSIONS JUDGE, AT BENGALURU (CCH. 83)**

**THIS THE 16<sup>th</sup> DAY OF JULY 2025**

**PRESENT:**

**PRESENT: SRI. VIDYADHAR SHIRAHATTI, LL.M.,  
LXXXII ADDL.CITY CIVIL & SESSIONS  
JUDGE, BENGALURU.**

**Com.O.S.No.165/2025**

**BETWEEN:**

**MOHAN K.G.**

**: PLAINTIFF**

**AND**

**RENUKA VINOD KUMAR  
GANDHI**

**: DEFENDANT**

**ORDERS ON I.A. NO. I**

The Defendant filed this IA U/O 7 R 11 of CPC for seeking rejection of the Plaint. In enclosed affidavit, it is taken contention that, Plaintiff has filed this suit for recovery

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of Rs.14,65,284/- with cost and interest. However, the Plaintiff has not disclosed when the cause of action arose to file the suit which is mandatory and absence of the same, the plaintiff is liable to be rejected.

**2.** The Plaintiff has filed a detailed objections stating that, the Application filed by the Defendant is delay tactics for recovery proceedings initiated against him. There is no bonafide in filing the application. The Plaintiff is containing the cause of action. Therefore, the Application filed by the Defendant is liable to be dismissed.

**3.** I have heard the arguments of the learned Advocate for both parties.

**4.** Based on the contentions of the respective parties, submissions made by the learned Advocates for both parties, I formulate the following Points for my consideration:-

- (1) Whether the Defendant made out a grounds to allow the application filed U/O 7 R 11 of CPC ?
- (2) What Order?

**5.** My findings are as follows:-

Point No. 1 : - In the **Negative.**

Point No. 2 : - As per my final orders for  
the following reasons.

### **REASONS**

**6. Point No. 1 :** - The Defendant has contended that, the suit of the plaintiff is not disclosed the cause of action to file the suit. Hence, the suit of the plaintiff is liable to be dismissed.

**7.** I have gone through the Plaint. Wherein, para no.3, plaintiff has stated that, he has been demanding the payment of total outstanding amount from the Defendant. But, the Defendant neglected to pay the same. On the other hand, Defendant had been pleading for time to pay the amount. The Plaintiff had issued demand notice through his counsel calling upon the Defendant to pay the outstanding with interest on dtd.25.07.2024. After receipt of the notice, Defendant replied the notice dtd.07.08.2024 through his counsel but not paid the amount. Such version taken in the

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Plaint itself reveals about the non payment of amount is nothing but cause of action arose on 07.08.2024. Furthermore, the plaintiff has approached District Legal Service Authority on 18.09.2024 and PIM no.2213/2024 is registered and matter was not settled as per the certificate dtd.11.11.2024. Hence, the plaintiff has constrained to file the suit.

**8.** It is admittedly that, the plaintiff has not mentioned specific word cause of action. However, in the Plaint para no.3 and 8 as well as reply notice of the Defendant dtd.07.08.2024 reveals about the cause of action. Hence, the plaintiff has taken a categorical non payment of amount as due and Defendant is liable to pay his amounts to be a cause of action. Therefore, in view of the above observation, I answer Point No.1 as '**Negative**'.

**9. Point No. 2:** - Therefore, I proceed to pass the following Order.

**ORDER**

***IA No.1 filed by the Defendant U/O 7  
R 11 r/w sec.151 of CPC is hereby  
dismissed.***

(Dictated to the Stenographer, typed by her directly on the computer, verified by me and pronounced in the open court on **16<sup>th</sup> day of July 2025**).

**(VIDYADHAR SHIRAHATTI),  
LXXXII Addl.City Civil & Sessions Judge,  
Bengaluru.**