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IN THE COURT OF THE II ADDL.CIVIL JUDGE & J.M.F.C.,

AT: Gokak

PRESENT: Shri. Abhinay

B.C.A.,L.L.B LL.M.

***II Addl. Civil Judge & JMFC,
Gokak***

O.S.No. 465 of 2019

DATED THIS THE 01st DAY OF AUGUST 2026

PLAINTIFFS: Smt. Bibijan W/o. Allisab Bagawan
and others

[R/by Sri. I.N.A., Adv.]

DEFENDANTS Shri. Keelappa S/o. Bhimasheppa Pujeri
and another

[R/By Sri.S.G.T.Adv.]

PARTIES To I.A.NO.IX

**Applicant/
Original
Defendants:** Kushappa S/o. Ramappa Karoshi
and another

//Vs//

**Opponents/
Original
Plaintiff:** Smt. Bibijan W/o. Allisab Bagawan
and others

I	Provision under which the application is filed	U/o VII Rule 11(a) R/w 151 of CPC
II	Relief sought for	Rejection of plaint
III	The date on which the application is filed	29.07.2025
IV	Number of application	I.A.No.IX
V	The date on which the objections are filed by different opponents	Objection filed on 02.08.2025
VI	The date on which the orders were passed on the said application	01-08-2026

ORDER ON I.A. NO.IX FILED BY DEFENDANTS

U/O: VII RULE 11(A) R/W SEC.151 OF CPC

The Advocate for defendant No. 2 has filed IA No. 9 under Order VII Rule 11(a) read with Section 151 of the Code of Civil Procedure seeking rejection of the plaint on the ground that no cause of action has arisen to the plaintiffs to file the present suit.

2. Brief Facts

The Advocate for defendant No.2 has pleaded that the plaintiff has not disclosed cause action in the plaint, for the said reason the plaint is liable for rejection. It is further contended that, the suit is filed for the relief of injunction and compound wall is already constructed in the year 2019. The said compound wall belong to Beerappa temple.

The suit is filed against defendants without their being a cause of action.

3. The plaintiffs have filed their objections to the application contending that the application is not maintainable. It is contended that the plaint specifically discloses the cause of action, which arose on 24.11.2019, and therefore the application deserves to be dismissed.

4. Heard both sides. Perused the application, objections, pleadings on record.

5. The following points arise for consideration:

POINTS

1. Whether defendant No. 2 has made out grounds for rejection of the plaint under Order VII Rule 11(a) of the Code of Civil Procedure?

2. What order?

6. Heard, both sides. Perused material placed on record and my answer to above points is as under

Point No. 1: In the Negative

Point No.2: As per final order for the following:

REASONS

7. **Point No.1.** Defendant No. 2 has contended that the plaint does not disclose any cause of action and, therefore, is liable to be rejected under Order VII Rule 11(a) of CPC. It is further contended that the present suit is one for bare injunction and that the compound wall had already been constructed in the year 2019. Hence, according to the defendant, no cause of action survives for filing the present suit.

8. On the other hand, the plaintiffs have filed their objections denying the averments made in the application. It is contended that the application has been filed only to delay the proceedings. The plaintiffs submit that paragraph No. 4 of the plaint clearly discloses the cause of action. They further deny the contention that the compound wall had already been constructed in the year 2019.

9. According to the plaintiffs, on 24.11.2019, the defendants attempted to construct a compound wall by encroaching upon the eastern side of the suit property. The plaintiffs have also pleaded that certain villagers advised the defendants not to proceed with the construction, and that the plaintiffs made efforts through the village elders to prevent the defendants from encroaching upon the suit property. The plaintiffs further contend that they have produced the sketch/map and photographs in support of their case. They also submit that the contention of the defendants that the property belongs to Beerappa Temple is a matter to be decided only after a full-fledged trial.

10. On careful perusal of the plaint, particularly paragraphs 3 and 4, it is evident that the plaintiffs have specifically pleaded the facts constituting the cause of action. The plaint discloses that the defendants attempted to encroach upon the eastern side of the suit property by constructing a compound wall on 24.11.2019. These averments, if taken as true for the purpose of deciding an application under Order VII Rule 11(a) of CPC, clearly disclose a cause of action.

11. At this stage, the contention of the defendants that the compound wall had already been constructed in the year 2019 and that the property belongs to Beerappa Temple involves disputed questions of fact, which cannot be adjudicated while deciding an application under Order VII Rule 11(a) of CPC. Such issues require evidence and can be decided only during the course of trial.

12. Accordingly, I hold that the plaint discloses a cause of action and that no grounds are made out for rejection of the plaint under Order VII Rule 11(a) of CPC. Hence, **Point No. 1 is answered in the Negative.**

13. **Point No.2 As per** the following order:

ORDER

***I.A. No. 9 filed by Defendant No. 2
under Order VII Rule 11(a) read with
Section 151 of CPC is hereby
dismissed.***

(Dictated to the stenographer typed by him corrected by me and then pronounced in the open court on this the 01st day of August 2026.)

(Abhinay)
II Addl. C.J.& JMFC,
Gokak