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**IN THE COURT OF THE CIVIL JUDGE AND JMFC,
SIRUGUPPA**

Present: **Ashok R H**
Civil Judge & J.M.F.C.,
Siruguppa.

Dated this the 1st day of August, 2025

O.S. No.221/2022

PLAINTIFFS : H.Mallesha and others

Vs

DEFENDANTS: Bicchugatti Somayya and others

PARTIES TO I.A.NO.II

Petitioners/Defendants : Bicchugatti Somayya and others
V/s.

Respondents/Ori.Plaintiffs : H.Mallesha and others

ORDERS ON I.A.NO.II

The defendants have filed this application under Order 7 Rule 11 R/w Section 151 of CPC seeking rejection of plaint.

2. In the accompanying affidavit, the defendant No.1 has stated that the plaintiffs have filed this false suit seeking the relief of permanent injunction. He had filed

OS No.97/2009 against the plaintiffs seeking the relief of permanent injunction. The said suit was dismissed. RA No.43/2022 was filed and the same was allowed. The plaintiffs have filed RSA which was dismissed. Since the date of acquisition of suit schedule property, the defendants and his family members are in peaceful possession and enjoyment of the same without any interruptions. The plaintiffs, with an intention to grab the valuable property are harassing the defendants without having any manner of right, title, interest over the suit schedule property. The plaintiffs have not approached this court with clean hands and they do not have any documentary evidence. On these grounds it is sought to reject the plaint.

3. The plaintiffs have filed objections contending that the application is filed without any grounds. No ingredients are made out to reject the plaint. All the statements made in the affidavit are denied. The plaintiffs are in possession of the suit property. The

issues in the suit are to be tried. On these grounds it is sought to reject the application.

4 Heard the learned counsel for the defendant and plaintiff. Perused the materials on record.

5. The Points that would arise for the consideration of this Court are as under;

POINTS

1. Whether the defendants has made out grounds to reject the plaint?
2. What order?

6. The answers of this court to the above Points are as under:

Point No.1 : In the Negative

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

REASONS

7. Point No.1: The plaintiffs have filed this suit seeking the relief of permanent injunction restraining the defendants from interfering, dispossessing the plaintiffs from the suit schedule property. The plaintiffs have contended that they are the absolute owners of

the suit property by way of possessory title. The defendant No.1 has executed an agreement on 18.02.2006. The plaintiffs are in possession of the suit property since the date of the agreement. The defendants have no manner of rights over the suit property. The earlier suit was filed by the defendants by concealing the agreement dated 18.02.2006. It is alleged that the defendants are trying to dispossess the plaintiffs from the suit property.

8. The subject matter of the suit is open site bearing Sy.No.635 measuring 60 feet in length North to South: East to West towards North-South 13 feet, East - West on southern side 25 feet situated at 1st Ward, Sirigeri village, Siruguppa Taluk. These being the pleadings, the defendants have sought to reject the plaint.

8. Order 7 Rule 11 of CPC is extracted below;

Rejection of plaint.— The plaint shall be rejected in the following cases:—

- (a) where it does not disclose a cause of action;*
- (b) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to*

do so;

(c) where the relief claimed is properly valued, but the plaint is returned upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;

(d) where the suit appears from the statement in the plaint to be barred by any law;

(e) where it is not filed in duplicate;

(f) where the plaintiff fails to comply with the provisions of rule 9:

Provided that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp-paper shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp-paper, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff.

9. Looking to the application, the defendants have not at all stated any grounds on which the rejection of plaint is sought. The defendant No.1 has stated regarding the earlier suit and stated that the plaintiffs do not have any manner of rights over the suit property and that plaintiffs have not approached this court with clean hands and further that they do not have any documents. The said grounds do not fall under O.7 Rule 11 of CPC. The rejection of plaint

cannot be made as a matter of course and upon unsustainable grounds. It is a harsh measure adopted by the court in order to avoid frivolous litigation. Looking to the plaint, it is seen that the plaintiffs have claimed that they are in possession of the suit property based on the agreement and that the defendants have tried to interfere with the same. The written statement contentions cannot be looked into for the purpose of rejection of plaint. Looking into the materials produced by the plaintiffs at this stage, there are no grounds to reject the plaint. Whether or not the plaintiffs have evidence in support of the case and whether or not the plaintiffs establish their right over the suit schedule property are to be looked into after full fledged trial. Therefore, the application filed by the defendants being devoid of merits is liable to be rejected. **Hence, this court has answered Point No.1 in the Negative.**

10. Point No.2:- In view of answer to point No.1 and for the reasons stated above, this court proceeds to pass the following;

ORDER

I.A.No.II filed by the defendants
under Order 7 Rule 11 R/w Section
151 of CPC is hereby rejected. No
order as to costs.

(Dictated to the stenographer, transcribed and typed by him, script corrected
and then pronounced by me in the Open Court on this 1st day of August 2025).

(Ashok R.H.)
Civil Judge & JMFC,
Siruguppa.

(Vide detailed Order pronounced in the open court)

ORDER

I.A.No.II filed by the defendants under Order 7 Rule 11 R/w Section 151 of CPC is hereby rejected. No order as to costs.

Issues by 19.09.2025

Civil Judge & JMFC,
Siruguppa.