

KABR210000082013



**IN THE COURT OF Prl. SENIOR CIVIL JUDGE &
JMFC, ANEKAL.**

DATED THIS THE 17th DAY OF MARCH 2026

PRESENT

Sri. Krishna Raj K., B.A., LL.B.,
Prl. Senior Civil Judge & JMFC.,
Anekal.

O.S No.1 / 2013

- Plaintiff/s:
1. Kumari. Pavithra.A
D/o Arasappa,
Aged about 20 years,
 2. Kumari. Dhakshyani.A
D/o Arasappa,
Aged about 19 years,

Both are R/at -
Sarjapura Town,
Sarjapura Hobli, Anekal Taluk,
Bangalore District.

(By Sri. R.R., Adv)

V/s

- Defendant/s:
1. Sri. Arasappa
S/o Late Bhasappa,

Aged about 55 years,

2. Smt. Munirathnamma
W/o Manjunath,
Aged about 30 years,
R/at – Bellandur Village,
Agara Post, Varthur Hobli,
Bangalore East Taluk.
3. Smt. Shilpa
W/o Srinivas,
D/o Arasappa,
Aged about 25 years,
R/at – B. Hosahalli Village,
Sarjapura Hobli, Anekal Taluk.
4. Smt. Savitha
D/o Arasappa,
Aged about 23 years,
5. Sri. Pillappa
S/o Late Bhasappa,
Aged about 52 years,
6. Sri. Gopal
S/o Late Bhasappa,
Aged about 40 years,
Nos.1 & 4 to 6 are R/at -
Sarjapura Town,
Sarjapura Hobli,
Anekal Taluk,
Bangalore District.

7. Smt. Sumithra
D/o Late Bhasappa,
W/o Gunashekar,
Aged about 30 years,
R/at – Old Madivala,
Near Eshwara Temple,
Bangalore – 68.
8. Sri. Revoori Sudarshan Reddy
S/o Linga Reddy,
Aged about 65 years,
9. Smt. Revoori Vanaja
W/o Revoori Sudarshan Reddy,
Aged about 58 years,

Nos.8 & 9 are R/at -
Keshava Puram Village,
No.1-19/A, Mandal Duggandi,
Mahaboodabath,
Warangal District,
Andra Pradesh.

10. Sri. Ekkati Ajith Reddy
S/o Devendra Reddy,
Aged about 46 years,
11. Smt. Ekkati Sridevi
W/o Ekkati Ajith Reddy,
Aged about 42 years,
Nos.10 & 11 are R/at -
Bairipaka (Amalet) Village,
Bhoopal Palli Mandal,

Mulugu Taluk,
Warangal District,
Andra Pradesh.

12. Sri. Rudra Raju Rajashekar
S/o R.V. Subbaraju,
Aged about 46 years,
R/at – No.8-107, Ram Nagar,
Rly. Kodur (R.S) (Tq),
Kadapa District,
Andra Pradesh – 516 101.

(D-1 to 7 placed exparte)
(D-8 to 12 by Sri. Y.P., Adv)

PARTIES ON IA.No.3

**Applicant /
defendant Nos.8 to 12** : Sri. Revoori Sudarshan Reddy
and others
Vs.

**Opponent /
Plaintiffs** : Kumari. Pavithra.A and another

ORDER ON IA.No.3

IA.No.3 is filed by the defendant Nos.8 to 12 U/o 7 Rule 11(a) & (d) R/w. Sec.151 of CPC for rejection of plaint.

2. In the accompanying affidavit, the defendant No.8 has reiterated the averments of his written statement and contended that this suit is second round litigation. Earlier the defendant

No.2, who is family member of the plaintiffs has filed suit OS No.645/2007 with respect to the same property against the defendants for the relief of partition and separate possession. In the said suit, father of the plaintiffs has filed written statement contending that there was no joint family status and the properties were alienated prior to 20th day of December 2004. Based on the said contention, the suit came to be dismissed on merits. In view of Sec.6 of Hindu Succession Amendment Act, the plaintiffs have no locus standi to claim partition by challenging the sale deed dated 21.05.2004. Hence there is no cause of action. The above suit is filed after lapse of 9 years from the date of alienation. Hence the suit is hopelessly barred by limitation.

3. The above application is resisted by the plaintiffs by filing their objections. In the objections, the plaintiffs have denied the averments of the above application and annexed affidavit and reiterated the averments of the plaint. It is contended that while considering the application U/o 7 Rule 11 of CPC, the averments of the plaint alone to be taken into consideration, the contention in the written statement cannot be looked into. The defendant Nos.8 to 12 cannot be considered as bonafide purchasers for valid sale consideration. Whether the alienation was for family legal necessities is to be decided by way

of full pledged trial. The plaintiffs are not parties to the said sale deed and they came to know about the execution of the said sale deed recently. The plaintiffs are entitle to legitimate share by partition and separate possession. The question of limitation is mixed question of law and fact.

4. Heard the arguments of learned counsel for plaintiffs and defendants.

5. The points that would arises for consideration of this court are;

POINTS

1. Whether the defendant Nos.8 to 12 have made out sufficient grounds to reject the plaint U/o 7 Rule 11 of CPC ?

2. What order or decree ?

6. My findings on the above points are as under;

Point No.1 : In the Affirmative,

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

REASONS

7. **Point No.1** :- It is the specific case of the plaintiffs that the suit schedule properties bearing Sy.No.296 measuring 2

acre 8 guntas, Sy.No.297/1 measuring 1 acre 28 guntas, Sy.No.297/2 measuring 1 acre 20 guntas situated at Sarjapura Village, Sarjapura Hobli, Anekal Taluk, Bangalore District are their ancestral joint family properties. The original prepositor Arasappa died in the year 1951 leaving behind his only son namely Bhasappa. The said Bhasappa died in the year 2011 leaving behind his two wives namely Thimmakka and Honnamma. The said Thimmakka had two sons namely Arasappa (defendant No.1) and Pillappa (defendant No.5). The second wife Honnamma had one son and one daughter namely Gopal (defendant No.6) and Smt. Sumithra (defendant No.7). The plaintiffs and defendant Nos.2 to 4 are the daughters of defendant No.1. The plaintiffs and defendant Nos.1 to 7 constitute Hindu undivided joint family. After the death of Arasappa, grand father of the plaintiffs and defendant Nos.2 to 4 and father of defendant Nos.1, 5, 6 & 7 were managing the affairs of the joint family. After the death of Arasappa, the name of his son Bhasappa got entered in the revenue records as per MR No.14/2003-04. The defendant Nos.1, 5 & 6 had no worldly knowledge, the deceased Bhasappa taking undue advantage of the same, he got created the sale deeds in favour of the defendant Nos.8 to 12. The sale deed dated 24.05.2004 executed in favour of the defendant Nos.8 to 12

are not binding on the plaintiffs. The plaintiffs are entitle to legitimate share by partition and separate possession. Hence the plaintiffs are constrained to file the above suit for partition claiming 2/6th share out of 1/3rd share in the suit schedule properties and consequential relief of declaration to declare that three registered sale deeds dated 24.05.2004 are not binding on the plaintiffs.

8. The defendant Nos.8 to 12 have filed their written statement denying the averments of the plaint and contended that they are the bonafide purchasers of the suit schedule properties and alienation was for family legal necessities. The defendant No.2 already filed suit OS.No.645/2007 and same came to be dismissed. This is a second round litigation filed by the plaintiffs at the instigation of other defendants. The plaintiffs have no locus standi to claim the partition with respect to the suit schedule properties by challenging the sale deeds of the defendant Nos.8 to 12.

9. In support of the case of the plaintiffs, the plaintiffs have produced family tree, RTC extracts, mutation extracts, encumbrance certificate, copy of the sale deeds. On the other hand, the defendant Nos.8 to 12 have produced copy of judgment, plaint and written statement in OS No.645/2007, copy of family

tree, copy of judgment in RA.No.5014/2022, copy of plaint in OS No.639/2024, copy of the sale deed etc,.

10. The learned counsel for defendant Nos.8 to 12 argued that the alienation had taken place prior to 20th day of December 2004, the plaintiffs have no locus standi to claim partition in the suit schedule properties by challenging the said sale deeds. Earlier the defendant No.2 who is family member of the plaintiffs has filed suit OS No.645/2007. In the said suit, father of plaintiffs as well as grandfather of plaintiffs being the defendants contested the suit and filed their written statement stating that there is already partition in the joint family properties. The said suit came to be dismissed on the ground that the plaintiffs have no locus standi to claim partition by challenging the alienation that had taken place prior to 20th day of December 2004. The said judgment and decree also confirmed in RA.No.5014/2022. Therefore the second round litigation filed by the plaintiffs is not maintainable. There is no cause of action and suit is barred by law. In support of the above arguments, the learned counsel for defendant Nos.8 to 12 relied on the decision of Hon'ble High Court of Karnataka in RFA.No.418/2017 between Smt. K.C. Leelavathi Vs. Smt. Ramanjanamma and others. On the other hand, the learned counsel for plaintiffs argued that the averments

of the plaint alone to be taken into consideration. The plaintiffs being daughters of defendant No.1 are entitle to legitimate share by partition and separate possession. The plaintiffs are entitle to the share in the notional partition of their father. Hence the suit is maintainable. In support of the above arguments, the learned counsel for plaintiffs relied on the decision of Hon'ble Supreme Court of India in SLP (C).No.19465/2021 between Eldeco Housing and Industries Limited Vs. Ashok Vidyarthi and others, Gurdev Singh Vs. Harvinder Singh reported in 2002 LiveLaw (SC) 963, Civil Appeal.No.7413/2023 between Kum. Geetha Vs. Nanjundaswamy & others, Civil Appeal No.5633/2023 between Vineeta Sharma Vs. Rakesh Sharma & others.

11. In the light of the arguments advanced by both side, I have perused the entire material on record. Admittedly the suit schedule properties were alienated by Bhasappa, Arasappa, Pillappa and Gopal by way of registered sale deeds dated 21.05.2004. The plaintiffs are children of defendant No.1. The grandfather of plaintiffs during his life time along with his children alienated the suit schedule properties by way of three registered sale deeds dated 21.05.2004. During the life time of Bhasappa (grandfather of the plaintiffs) along with his children alienated the suit schedule properties prior to 20th day of

December 2004. The plaintiffs are claiming to be the daughters of defendant No.1 filed the present suit for partition claiming legitimate share in the suit schedule properties. Admittedly earlier the defendant No.2 has filed suit OS No.645/2007 for partition and separate possession with respect to the same properties. In the said suit, the father of plaintiffs is arrived as defendant No.4. The grandfather of the plaintiffs is arrived as defendant No.12. The defendant No.12 in the said suit filed his written statement and after contest, the suit was dismissed on merits. In the said judgment and decree at para No.13 of the judgment, there is specific observation that the alienation had taken place prior to 20th day of December 2004. Hence the plaintiffs have no locus standi to file the said suit for partition and separate possession. The said judgment and decree has been confirmed by the Hon'ble III Addl. District and Sessions Judge, sitting at Anekal in RA No.5014/2022. Therefore the said judgment and decree has reached its finality.

12. The present suit is filed by the plaintiffs who are the daughters of defendant No.1. Admittedly during the life time of grandfather of the plaintiffs, the grandfather along with his children have alienated the suit schedule properties prior to 20th day of December 2004. Under such circumstances, the plaintiffs

have no locus standi to claim partition in the suit schedule properties. The father of the plaintiffs also alienated the properties. Therefore question of claiming notional share in the share allotted to the father of the plaintiffs does not arise. The decision relied by the learned counsel for plaintiffs in Vineeta Sharma's case referred supra is not helpful to the case of the plaintiffs. On the other hand, the said decision is helpful to the case of the defendants. The other decision decisions relied by the learned counsel for plaintiffs is distinguishable and not applicable to the case on hand. The father of plaintiffs himself is party to the sale deed, therefore claiming notional share of father of plaintiffs U/Sec.8 of Hindu Succession Act does not arise. The plaintiffs have no locus standi to claim partition and separate possession in the suit schedule properties by challenging the sale deeds dated 24.05.2004. The earlier suit filed by the defendant No.2 who is family member of the plaintiffs in OS No.645/2007 was dismissed on merits and same was confirmed by the Hon'ble First Appellate Court. The said judgment and decree has reached its finality. The plaintiffs have no locus standi to claim partition in the suit schedule properties by challenging the sale deed executed prior to 20th day of December 2004. The plaint does not disclose cause of action. The defendant Nos.8 to 12 have made out

sufficient grounds to reject the plaint U/o 7 Rule 11 of CPC. The decision relied by the learned counsel for defendants in Leelavathi's case referred supra is applicable to the case on hand. There is no cause of action to the plaintiffs to challenge the sale deeds in view of Sec.6 of Hindu Succession Amendment Act. Therefore the defendant Nos.8 to 12 have made out sufficient grounds to reject the plaint U/o 7 Rule 11 of CPC. Accordingly point No.1 is answered in the ***affirmative***.

13. **Point No.2** :- In view of my findings on the above point, I proceed to pass the following order;

ORDER

**IA.No.3 filed by the defendant Nos.8 to 12
U/o 7 Rule 11(a) & (d) R/w. Sec.151 of CPC is
hereby allowed with cost.**

**The plaint presented by the plaintiffs U/o 7
Rule 1 of CPC is hereby rejected.**

Draw decree accordingly.

(Dictated to the stenographer, transcribed by her corrected and the
pronounced by me in open court, on this the *17th day of March 2026*).

**(Krishna Raj K.,)
Prl. Senior Civil Judge & JMFC.,
Anekal.**