



**IN THE COURT OF I ADDL SENIOR CIVIL JUDGE & JMFC,  
DEVANAHALLI.**

Present: Sri Lokesha M.G., B.A.L.,LL.B.,

**O.S.No.243/2011**

**Dated this the 12<sup>th</sup> day of December, 2025.**

**PLAINTIFFS:** Sri. Channappa Since Dead by his  
LR's

(By Advocate Sri. R.T.N.,)

**V/s.**

**DEFENDANTS:** Sri. C.Veeraiah & Others

(D2LR's - By Advocate Sri.  
D.M.M.,)

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|             |                                                                   |                        |
|-------------|-------------------------------------------------------------------|------------------------|
| <b>i.</b>   | Provision under which the application is filed                    | 7 Rule 11 (a) & (d)    |
| <b>ii.</b>  | Relief sought for                                                 | Rejection of Complaint |
| <b>iii.</b> | The date on which the application is filed                        | 17.09.2025             |
| <b>iv.</b>  | Number of the application                                         | 8                      |
| <b>v.</b>   | The date on which the objections are filed by different opponents | 09.10.2025             |
| <b>vi.</b>  | The date on which the orders were passed on the said application  | 12.12.2025             |



**ORDER ON IA.NO.VIII**

This application is filed by the defendants No.2 LR's U/O VII R-11(a) and (d) of C.P.C. to reject the plaint as there is no cause of action and barred by Law.

**2.** It is stated in the accompanying affidavit that plaintiff has filed the suit for Declaration and other reliefs in respect of suit properties against defendants. Defendant No.2 legal representatives are the absolute owners of suit properties having right, title and interest over the suit properties. Originally suit properties were belonging to Venkatareddy. He purchased the same as per the Sale Deed for the year 1946 and he had been in possession and enjoyment of the same till his death. Venkatareddy died intestate leaving behind his son Balareddy to succeed the estate. After death of Venkatareddy, Balareddy alienated the suit property in favour of Channappa as per the Sale Deed dated 16.09.1962 for his legal necessity. Channappa had been in possession and enjoyment of schedule properties. For the legal necessity, Channappa sold suit



property in favour of defendant No.1 as per the Sale Deed dated 28.03.1980. Thereafter, defendant No.1 was put in possession of suit properties. Defendant No.1 sold the suit properties in favour of Kalalingappa for legal necessity on 21.05.1991. Thereafter, Kalalingappa was put in possession of suit properties. He acquired the suit properties and he had been in possession and enjoyment of suit properties till his death. He died intestate leaving behind him Muddappa who is the deceased defendant No.2. He died intestate on 23.07.2020. Now, the defendant No.2 legal heirs are in possession and enjoyment of suit properties without any interference. Plaintiffs have no right over the suit properties. To knock off the valuable properties, by taking undue advantage of the escalation of market value, plaintiff has filed false suit. Without seeking possession, the suit for declaration is not maintainable. There is suppression of material facts. Plaintiffs have suppressed registered Sale Deed for the year 1980 executed by Channappa in favour of defendant No.1. Suit is barred by limitation. Plaintiffs have not challenged the registered Sale Deed for the year 1980 till 2011. After



lapse of 31 years, plaintiffs have filed the suit and hence it is barred by limitation. Registered Sale Deeds are public documents. Plaintiffs were having knowledge of execution of said documents. But, they have not chosen to challenge the same within limitation. They have created illusory cause of action. False suit is filed to harass the defendants. There is no cause of action. Hence, it is prayed to allow the application.

**3.** The plaintiffs have filed objection stating that application is not maintainable. It suffers from several infirmities. They have suppressed material facts. Application averments are false. Plaintiffs have filed the suit for declaration and possession based on the registered Sale Deed dated 16.09.1962. Without right and title, defendants purchased the suit property from their vendors. As per Section 43 of Transfer of Property Act, if the property alienated without title, then the Sale Deed is void document. Defendants have no right, title and possession over the suit property. Plaintiffs have already led evidence. At this stage, application is not



maintainable. To drag the case, application is filed. They have not cross-examined PW.1. Hence, it is prayed to dismiss the application.

4. Heard the arguments and perused the materials on record.

5. The following points that arise for my consideration are;

1) Whether the defendants No.2 LRs have made valid grounds to reject the plaint as plaint does not disclose cause of action and barred by law as per order VII Rule 11(a) & (d) R/W Section 151 of C.P.C.?

2) What order?

6. My answer to the 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:** Original plaintiff namely Channappa has filed suit for the relief of declaration to declare that he



is the owner of suit property on the basis of Sale Deed dated 16.09.1962 and to declare Sale Deed dated 21.05.1991 executed by defendant No.1 in favour of defendant No.2 in respect of suit property is not binding on him. The relief of Permanent Injunction is also sought. Item No.1 is Sy.No.14 measuring 16 Guntas. Item No.2 is Sy.No.17 measuring 26 Guntas. It is stated that suit properties were acquired by Venkatareddy in the year 1946 and he was in possession of the same and he died leaving behind Balareddy who is his son and he was in possession of the same. To meet family necessity, he sold the property in favour of plaintiff. He purchased in the year 1962. On the basis of actual possession and enjoyment of suit property and on the basis of Sale Deed, the name of plaintiff has been mutated in the revenue records. To improve the suit properties and other properties, plaintiff availed loan from Co-operative Agricultural Bank. He mortgaged the property. The said documents show that plaintiff has got right over the suit property. Defendants have no right over the suit property. All of a sudden, defendant No.2 came near the suit



property and tried to dispossess the plaintiff from the suit property on 05.04.2011. Plaintiff has resisted illegal acts. He went away stating that he already filed suit in respect of suit properties. Plaintiff made enquiry and came to know that defendant No.1 illegally sold suit property in favour of defendant No.2 father on 21.05.1991 in respect of Sy.No.14 measuring 1 Acre 7 Guntas and Sy.No.17 measuring 35 Guntas. In fact, there is no such extent available in the said survey number and there is no right accrued on the defendant No.1. Defendant No.1 and 2 in collusion with each other executed Sale Deed. On the basis of collusive Sale Deed, defendant No.2 filed O.S.No.572/2008 for Permanent Injunction without impleading the plaintiff. On the basis of subsequent Sale Deed, defendant No.2 doesn't have any right over the suit property. Defendant No.1 had no exclusive right to execute Sale Deed. The plaintiff is the absolute owner of suit properties. On the basis of suit, defendant No.2 is interfering with the possession of plaintiff. It is also stated that defendants are taking undue advantage of the error crept in the R.T.C. in respect of suit property for the year



2010-11. The name of plaintiff has been inadvertently missed and his name is deleted. He has also filed proceeding for rectification of the R.T.C. On perusal of entire plaint averments, I am of the opinion that it discloses cause of action and it is not barred by Law. Because, the cause of action is mentioned and it arose on 05.04.2011. Suit was filed in the year 2011. It is also mentioned about act of interference by the defendants. Along with the plaint, documents are produced. Record of Rights are standing in the names of Channappa and others. They are in respect of suit properties. Sale Deed is also produced. It is for the year 1962. Encumbrance Certificate is also produced. Old R.T.Cs are produced. They are standing in the names of Channappa and others. They show that through Sale Deed, he got right over the suit properties. There is also Encumbrance Certificate to show the mortgage. All the materials on the record show that there is cause of action. The contentions of the defendants can be considered only during the trial. At this time, it is to be known as to whether there is cause of action or not. Advocate for defendant No.2 legal



representatives has filed documents. They are compromise petition and decree in O.S.No.1169/2006 filed by Nagaraju, Muddappa and others and it came to be decreed as per the compromise. In the said compromise petition, Sy.No.17 measuring 35 Guntas and Sy.No.14 measuring 1 Acre 7 Guntas has been mentioned. But, suit is pertaining to Sy.No.14 measuring 16 Guntas and Sy.No.17 measuring 26 Guntas. There is variation in the extent. Hence, to prove the same, it requires trial. In the pleading also, it is stated by the plaintiff that although there was no such extent, there were Sale Deeds in respect of suit survey numbers. Advocate for plaintiff has produced the Judgment in **between Karam Singh Vs. Amarjit Singh & Others**. It is held that only plaintiff averments have to be taken into consideration and difference can't be taken into consideration to decide the application filed under Order 7 Rule 11 of C.P.C. The principle is helpful to the plaintiff in this case at this stage. Hence, on perusal of entire materials on the record, I am of the opinion that the defendant No.2 legal representatives have not made out the grounds to



consider the application. Per contra objection is sustainable. It is also stated in the objection that as per Section 43 of Transfer of Property Act, if the property was alienated without title, in such case, Sale Deed becomes void. It is also burden of the plaintiff to prove the same. Hence, opportunity is to be given. Hence, there are no grounds. Accordingly, I answer Point No.1 in the **“NEGATIVE”**.

**8. POINT No.2:** As per the above said discussion, I pass the following:

**ORDER**

IA.No.8 filed by the defendant No.2  
LR's Under Order VII Rule 11(a) & (d)  
R/W Section 151 of C.P.C. is hereby  
dismissed with cost of Rs.200/-.

(Dictated to the Stenographer, transcribed and computerized by her, transcript revised, corrected and pronounced by me, in the Open Court, dated this the **12<sup>th</sup>** day of **December, 2025**).

Sd/-  
**(Lokesha.M.G.)**  
**I Addl Sr.Civil Judge & Jmfc.,**  
**Devanahalli.**