

KABR410003582022



**IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC, AT
DODDABALLAPURA.**

Dated this the 3rd day of January 2026.

PRESENT : SMT. SHILPA.H.A.

B.A.L., LL.B.,

Senior Civil Judge & J.M.F.C.

Doddaballapura.

O.S.No.257/2022

Plaintiff/s:

- 1. SRI ANJANEYA REDDY. H**
S/o Late Hanumantha Reddy,
Aged about 63 years,
R/at, Srinagara,
Behind Railway Station,
Near Babuju School,
Doddaballapura Town and Taluk,
Bangalore Rural District.

(By Sri.A.R.R., Advocate for plaintiff)

-Vs-

Defendant/s:

- 1. SMT. CHANDRAKALA**
W/o Srinivasa Reddy. H,
Aged about 46 years,
R/at, Kempegowda Nagara,
Near Railway Station,
Doddaballapura Town and Taluk,
Bangalore Rural District.

**2. SRI. NITESH**

(Represented by Ashva Developers)
S/o M.L. Ramesh
Aged about 32 years,
Defendant No.1 and 2 are
R/at, Nellurahalli,
Whitefield,
Bangalore-560066.

**3. SRI SRINIVASA REDDY. M
(Represented by Ashva Developers)**

S/o H.Muni Reddy,
Aged about 33 years,
R/at, Doddabanasawadi,
Bangalore-560043.

4. THE DEPUTY COMMISSIONER

Bangalore Rural District,
District Office Complex,
Beerasandra Village,
Kundana Hobli,
Devanahalli Taluk,
Bangalore Rural District.

5. THE TAHASILDAR

Doddaballapura Taluk,
Bangalore Rural District.

**6. DODDABALLAPURA PLANNING
AUTHORITY**

Opposite Doddaballapura Town Police
Station, 'D' Cross,
Doddaballapura-561203.

**(By Sri.R.R Advocate for defendant No.1 to 3
Sri. A.G.P Advocate for defendant No.4 o 6)**



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ORDER ON I.A.No.VII

Defendant No.1 to 3 have filed I.A.No.7 under order 7 Rule 11 (a) & (d) R/w Sec.151 of CPC for rejection of plaint.

2. FACTS IN BRIEF:

The plaintiff has filed this suit for the relief of declaration to declare that plaintiff is entitle to use 15 feet road from East to West on the Southern edge and 20 feet road running from north to South at Western edge of item No.2 to direct defendant No.1 to reserve said road in item No.2, declare conversion order issued by the defendant No.4 in respect of item No.2 is not binding on plaintiff and for consequential relief of permanent injunction restraining the defendants from enjoying said 15 X 20 feet road situated in item No.2.

3. Plaintiff is the absolute owner in lawful possession and enjoyment of item No.1 of the suit schedule property. Plaintiff and his sister had filed suit for partition and separate possession in O.S.No.10/2006 and the said suit came to be decreed in view of the compromise petition filed by the plaintiff and his family members. As per the said compromise petition and compromise decree an extent of 3 acre 8 guntas out of 8 acre 19 guntas in suit Sy.No.19 was allotted to the share of plaintiff. As per the



terms of para No.'h' of the compromised petition the defendant No.1 and 4 shall leave 15 feet road from East to West on the southern edge and 20 feet road running from north to south at the western edge of the Sy.No.19. As per the said compromise decree Nagamma and Srinivasareddy have agreed to leave said road but they have jointly sold 0.16 guntas in favour of different parties. In the year 2013 Srinivasareddy has applied for conversion before the defendant No.4 and obtained conversion order in respect of 3.05½ guntas in suit Sy.No.19/3 in which defendant No.1 has formed layout by taking permission from defendant No.6. By suppressing the material facts of the compromise decree without leaving 15 X 20 feet road said Srinivasareddy had obtained conversion order. Defendant No.1 has no manner of rights to form sites in the said road i.e., item No.2 of the suit schedule property. If the defendants sells the sites formed over the road plaintiff will be put to great hardship. Hence, this suit.

4. Defendant No.1 to 3 have filed I.A.No.VII under order 7 rule (a) & (d) R/w Sec.151 of CPC for rejection of plaint and contended that plaintiff has filed the untenable suit for declaration and permanent injunction with concocted story and imaginary grounds. There is no cause of action and at no point of time the plaintiff was in possession of the suit schedule property. One Srinivasreddy has converted the land bearing Sy.No.19/3 for



residential purpose and intended to found layout and defendant no.1 to 3 have carved the layout after leaving 15 X 20 feet road as per the compromise decree. Thus there is no disobedience or encroachment caused by them. Not only plaintiff but all the parties in the suit are entitle to the said road. The plaintiff has sought declaration that said roads belongs to him and his family which is contravention to the terms and conditions of the compromise decree. With an malafide intention to harass and extract money from the defendants and obstruct the formation of layout the plaintiff has filed this suit. There is no cause of action and hence prays to reject the plaint in the interest of justice and equity.

5. Plaintiff has filed objections to this I.A and denied the entire I.A and affidavit averments as false and reiterated the averments of plaint and further contended that he has prayed to declare that he is entitle to use the road and not claimed ownership of the road. In the compromise decree there is a condition that defendant No.1 to 4 shall leave above said road and it shall be preserved as roads only and all the parties are entitle to use said road. Accordingly conversion of preserved road is violation of the condition mentioned in para No.H of the compromise decree. Hence, the conversion of the preserved road is illegal and not for the benefit of the family members. By



violating the condition of the compromise decree and disturbing the plaintiffs enjoyment over the said 2 roads is the cause of action to file this suit. Hence prays to dismiss the I.A.No.7 with exemplary cost in the interest of justice and equity.

6. Heard both sides by the advocate for plaintiffs and defendants.

7. The points that arises for my consideration.

Point No.1: Whether the defendant No.1 to 3 have urged valid grounds for rejection of plaint under order 7 Rule 1 (a) and (d) of CPC?

Point No.2: What order?

8. My findings on the afore said points are as under:

Point No.1: In the Negative

Point No.2: As per final orders.

REASONS

9. POINT NO.1: This is an application filed by the defendant No.1 to 3 under order VII Rule 11 (a) and (d) R/w Sec.151 of CPC for rejection of plaint. The serious allegation made by the defendants is that there is no cause of action to file this suit.



10. In support of the contention of the plaintiff, he has relied upon some documents. On perusal of the plaint, order sheet, compromise petition and decree passed in O.S.No.10/2006 goes to show that the plaintiff herein along with 3 others has filed suit for partition and separate possession against his family members and the said suit came to be decreed as per the compromise petition filed by both the parties. As per para No.'h' of the compromise petition "The defendant No.1 & 4 have undertaken to leave 15 feet road from East to West on the southern edge and 20 feet road from North to South at the Western edge of the land bearing Sy.No.19. Both parties shall preserve said 15 and 20 feet road and it shall be preserved as roads only and both the parties are entitle to use said road." The defendant No.1 is the wife of one Srinivasareddy.H who was defendant No.4 in O.S.No.10/2006. Subsequently, said defendant No.1 & 4 have entered into partition deed on 31.03.2010 wherein defendant No.1 has received Rs.3 lakhs towards her share and relinquished her rights in respect of entire extent of 3-17.08 acres in favour of her son i.e., Srinivasareddy. As per the Registered sale deed dated:12.10.2007 both Nagamma and her son Srinivasareddy have sold 0-02.08 guntas in favour of one D.M.Ramaiah. As per the Registered sale deed dated:17.11.2007 both Nagamma and her son Srinivasareddy have sold 0-05 guntas in favour of one R.Ramesh. Plaintiff has



produced some more sale deeds dated:19.11.2007, 07.12.2011, 03.03.2008, Registered Gift deed dated:05.01.2012. All these documents are executed by Srinivasareddy and his mother Nagamma pertaining to suit Sy.No.19.

11. On perusal of the pleadings it goes to show that plaintiff has sought 4 reliefs. According to him, by suppressing the material facts of the compromise decree, Srinivasareddy has obtained conversion order without leaving above said 15 feet and 20 feet road and defendant No.1 has no manner of rights to forms sites over the side road. In the I.A.No.7 defendant No.1 to 3 have specifically stated that they have carved the layout after leaving 15 feet and 20 feet road in Sy.No.19/3 as per the compromise decree and plaintiffs have sought absolute ownership over the said road which is opposed to law and contravention to the terms and conditions of the said compromise decree.

12. The prayer No.1 & 2 discloses that plaintiff has sought to declare that he is entitle to use the road situated in item No.2 and defendant No.1 shall reserve said road. These two reliefs are sought by the plaintiff in accordance with the terms and conditions mentioned in the compromise petition which are not barred under any law. Plaint also discloses cause of action that arose to seek these two reliefs. Plaintiff has sought 3rd relief to



declare the conversion order is not binding on plaintiff. If there is any order passed by the D.C with respect to conversion of particular land, the aggrieved party has to approach concerned authority challenging the conversion order and they cannot approach the civil court in this regard. Plaintiff has sought an order of Temporary Injunction as relief No.4 restraining the defendants from enjoying the 15 feet and 20 feet road. Since Nagamma and Srinivasareddy were parties to the compromise decree, they had right to use said road after they alienates their share the purchasers will step into the foot of vendors and they are also entitle to use said road. Defendant No.1 is none other than the wife of Srinivasareddy. Plaintiff cannot restrained the defendants who are purchasers of the land of Srinivasareddy from using the road but plaintiff can obtain an order restraining the defendants from obstructing the plaintiff to use the road. If there is any violation of terms and conditions of the compromise petition and plaintiff is obstructed from using the road or there is threat of closing the road then the plaintiff has to protect his rights by way of filing suit. Moreover defendants themselves have admitted that above said road is in existence and they have carved layout by leaving said road. Under such circumstances whether defendants have encroached the road or left it as it has to be adjudicated only after full fledged trial. Since plaint averments has disclosed cause of action to seek relief no.1 & 2



and the same is not barred under any law merely because plaintiff has challenged the conversion order and the same is not permissible under law the whole suit cannot be termed as not maintainable and plaint cannot be rejected. On the other hand, there is no procedure for partially rejecting the plaint.

13. Order VII Rule 11 reads as under;- The plaint shall be rejected in 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 written upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply there quisite stamp paper with 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 the provisions of Rule 9.

In (2020) 3 Indian Civil Cases 448 The Hon'ble Supreme Court held that:-

“Documents filed along with plaint, are required to be taken into consideration for deciding application U/o. 7 R.11 (a) of C.P.C. When document referred in the plaint, forms basis of plaint, it should be treated as a part of plaint.”

In the case of **H.S. DEEKSHIT & ANR. versus M/S. METROPOLI OVERSEAS LIMITED & ORS.** reported in **2022 Live Law (SC) 703** it was held that:

“Averments in the plaint alone are to be examined while considering an application for rejection of plaint and



No other extraneous factor can be taken into consideration.”

The principles laid down in the above said citations aptly applies to the case on hand. By considering the provisions of order 7 Rule 11(a) & (d) along with plaint averments I am of the opinion that there is cause of action to file this suit and the suit is not barred under any law. Hence, I Answer **Point No.1 in the Negative.**

14. POINT NO.2: In view of my findings on Point No.1. Accordingly, I proceed to pass the following;

ORDER

**I.A.No.VII filed by the defendant
No.1 to 3 under order 7 Rule 11 (a)
& (d) R/w Sec.151 of CPC is hereby
dismissed.**

No order as to cost.

(Dictated to the Stenographer transcribed, typed and printout taken by her, corrected by me and then pronounced in the open court on this the 3rd day of January 2026)

(SHILPA.H.A)
Senior Civil Judge & JMFC
Doddaballapura.