

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

**PRESENT: Sri. Arvind Saibanna Hagargi,
B.Sc., LL.B (Spl)
Senior Civil Judge & JMFC., Doddaballapur.**

**Dated this 22th day of August 2022
O.S.No.559/2022**

Plaintiff:

1. Smt.Nirmala,
W/o. Pradeep Sunilkumar,
D/o. Late Venkataramaiah,
A/a. 40 years,
R/at. House No.3, 5th Cross,
Kanakadasa Layout, Main Road,
Lingarajapuram,
Bangalore – 560084.
2. Smt.R.V.Namitha,
W/o. Chandrashekar,
D/o. Late Venkataramaiah,
A/a. 28 years,
R/at. No.34, Singasandra Village,
Honakanahalli Hobli, Anekal Taluk,
Bangalore Urban District.
3. Smt.Hema,
W/o. Varadaraju,
D/o. Late Venkataramaiah,
A/a. 36 years,
R/at. Patur Village,
Maralakunte Post,
Chikkaballapura Taluk and District.
4. Sri.Ashwin,
S/o. Late Venkataramaiah,
A/a. 32 years,
R/at. Rameshwara Village,
Doddabelavangala Hobli,
Doddaballapura Taluk.

(Represented by Advocate
Sri.Shivapannalkar)

Versus

Defendants:

1. Smt.Nanjamma,
W/o. Late R.N.Venkataramaiah,
A/a. 57 years,
R/at. No.959, 1st Floor,
8th Cross, 16th Main, BTM 2nd Stage,
Bangalore – 560076.
2. Smt.Varalakshmi,
W/o. Late Govindaraju,
A/a. 50 years,
3. Sri.Punith,
S/o. Late Govindaraju,
A/a. 29 years,
4. Sri.Sandeep,
S/o. Late Govindaraju,
A/a. 27 years,
5. Sri.Hanumanthe Gowda,
S/o. Late Narayanappa,
A/a. 56 years,

(The defendants No.2 to 5 are R/at.
Rameshwara Village,
Doddabelavangala Hobli,
Doddaballapura Taluk.

6. Smt.Rathnamma,
W/o. D.H.Shamanna,
D/o. Late Narayanappa,
A/a. 57 years,
R/at. Dasagondahalli Village,
Kasaba Hobli, Doddaballapura Taluk.

7. Smt.Pushpavathi,
D/o. Late Narayanappa,
W/o. Sri.Ananda Reddy,
A/a. 52 years,
R/at. Kalavara Village,
Chikkaballapura Taluk and District.

(Represented by Advocate
Sri.R.M.K. for D2 to D4, For steps to D1)

ORDER ON I.A.NO.I & II

These orders arises out of I.A.No.I filed by the plaintiffs under order 39 Rule 1 and 2 R/w Section 151 of CPC with a prayer to restrain defendants No.2 to 18 from alienation of suit properties and encumbering, creating any kind of charge the suit properties and I.A.No.II filed by the defendants No.2 to 4 under order 7 Rule 11 (a) and (d) of CPC for rejection of plaint on the ground that for want of cause of action and also barred by law.

2. FACTS IN BRIEF:-

Description of suit schedule properties:

Sl. No.	Sy. No.	Acres-guntas	Situated at
1	Old Sy.No.166/3, New No.166/6	0-14 guntas	Rameshwara Village, Doddabelavangala Hobli, Doddaballapura Taluk
2	89/2B	0-06 guntas	“
3	Old Sy.No.166/2, New Sy.No.166/7	5-0 acres 0-28 guntas out of which 2-0 acres 0-28 ½ guntas	“

The plaintiffs have filed this suit for the relief of partition and separate possession and declaration of judgment and decree passed in O.S.No.130/2009 dated 05-01-2015 and R.A.No.10006/2015 dated 20-10-2020 is not binding on the share of plaintiffs in the suit schedule properties. The plaintiffs have pleaded the relationship with the defendants No.1 to 4 in Paragraph No.3 of the plaint and contended that the suit schedule properties are their ancestral and joint family properties. The suit properties are acquired by the propositus Narayanappa in the partition in between Narayanappa and his brothers in 1960. The father of defendant No.3 and 4 and husband of defendant No.2 namely Govindaraju was said to be managing the affairs of the family and he was karta of the joint family. During the life time of Govindaraju suit Item No.3 was said to be purchased out of joint family fund under sale deed dated 17-09-1981. During the lifetime of Narayanappa the said Govindaraju and father of plaintiffs had mortgaged the suit schedule properties to PLD Bank in the year 1983 and availed loan and after clearing the loan the said properties are said to be redeemed in favour of joint family. Thereafter again the suit lands are mortgaged to PLD Bank on 07-12-1983 for the second time in the year 1983 and again the properties are redeemed on clearance of loan dues.

3. It is specific case of plaintiffs that in the year 2009 the mother of plaintiff without the knowledge of the plaintiffs is said to have filed in O.S.No.130/2009 in respect of Sy.No.137/2 measuring 2-0 acres 0-17 guntas and Sy.No.145

measuring 0-24 guntas against the purchasers who have defendant No.2 to 7 in the said suit. The mother of plaintiff is said to have not joined plaintiffs to the suit as sons and daughters of Late R.N.Venkataramaiah. The suit in O.S.No.130/2009 was said to be decreed vide judgment dated 05-01-2015 in respect of suit Item No.1 and 2 of that suit. The suit of plaintiffs in O.S.No.130/2009 was said to be dismissed against present suit Item No.3. The appeal preferred against the judgment in O.S.No.130/2009 in R.A.No.10006/2015 is said to be dismissed and also applications filed by the present plaintiffs under order 1 Rule 10 of CPC is said to be rejected. Hence, the present suit by the plaintiffs.

4. The defendant No.2 to 4 have appeared and filed their written statement. In the written statement of defendant No.2 to 4 have not disputed the relationship of plaintiffs with defendants. The defendants have contended that suit of the plaintiffs is bad for non joinder of necessary parties the daughters of Nanjappa and thereafter denied the entire plaintiff allegations. The defendants have admitted the decree of O.S.No.130/2009 dismissal of appeal in R.A.No.10006/2015. The defendants have also taken other contentions, but the specific contentions is of Section 11 of CPC and order 2 Rule 2 of CPC. On these contentions the defendants prayed to dismiss the suit of plaintiffs.

5. The plaintiffs has filed I.A.No.I under order 39 Rule 1 and 2 r/w S. 151 of CPC with a prayer to restrain the defendant No.2 to 18 from alienation of suit properties. An affidavit is filed by plaintiffs No.1 the entire plaint averments and assertions and allegations are iterated on the affidavit filed along with I.A.No.I.

6. The defendant No.2 to 4 have filed memo stating that the contents of the written statement be adopted as objections to I.A.No.I

7. The defendant No.2 to 4 to counter I.A.No.I have filed I.A.No.II under order 7 Rule 11 (a) and (d) of CPC for rejection of plaint for want of cause of action and also barred by law.

8. An affidavit is filed along with I.A.No.II. The entire written statement assertions are reiterated in the affidavit. The substance for I.A.No.II is at Paragraph No.9 and 10 of the affidavit and also Paragraph No.4 and 5 of the affidavit. In the nutshell the defendant No.2 to 4 have contended that the mother of plaintiff has filed suit in O.S.No.130/2009 which was decreed in part in respect of suit Item No.1 and 2 and dismissed against suit Item No.3 against this judgment and decree R.A.No.10006/2015 is said to have preferred and in the said R.A. the present plaintiffs are said to have filed I.A. under order 1 rule 10 of CPC and also under order 41 rule 27, but same was said to be rejected. It is the specific contention of defendant No.2 to 4 that when the suit of mother of plaintiff is

decided in O.S.No.130/2009 and has attained finality in R.A.No.10006/2015 then the suit of plaintiffs is hit by order 2 rule 2 and section 11 of CPC and therefore the plaint of the plaintiffs is liable to be rejected under order 7 rule 11 (a) and (d) of CPC. Hence, defendant No.2 to 4 prayed to reject the plaint and I.A.No.I.

9. The plaintiff has filed objections to I.A.No.II. In the objections the plaintiffs have admitted disposal of O.S.No.130/2009 and appeal in R.A.No.10006/2015. The plaintiffs have contended that they are not the parties in O.S.No.130/2009 and their applications filed under order 1 rule 10 of CPC in R.A.No.10006/2015 is rejected and therefore they have cause of action for the suit. The plaintiffs further contended that the principles of res-judicata and order 2 rule 2 is a matter of evidence and cannot be considered either under order 7 rule 11 (a) and (d) of CPC for rejection of plaint. Hence, reject I.A.No.II.

10. Heard both sides on I.A.No.I and II .

11. The points that arise for my consideration are:

1. Whether plaintiff has made out prima-facie case for grant of interim injunction order as claimed in I.A.No.I?

2. In whose favour the factor of balance of convenience lies?

3. Who will be put the irreparable loss, if an interim injunction orders as claimed in I.A.No.I is refused?

4. Whether the plaint is liable to be rejected under order 7 Rule 11 (a) and (d) of CPC as barred by order 2 Rule 2 and Section 11 of CPC?

5. What order?

12. My findings on the above said points are as under:

- Point No.1:** In affirmative.
- Point No.2:** In favour of plaintiff
- Point No.3:** Plaintiff will be put to irreparable loss if I.A.No.I is rejected.
- Point No.4:** In negative.
- Point No.5:** As per final order as per the following;

REASONS

Point No.1 & 4:

13. These two points are interlinked to each other. If the defendants demonstrates on the basis of plaint averments and suit documents that suit of plaintiffs is liable to be rejected then the plaintiff has no prima-facie case in their favour of plaintiff for consideration of I.A.No.I. On the contrary if the defendants fail to demonstrate that there is no cause of action for the plaintiff to file the suit and suit of plaintiff is barred by

limitation then the plaintiff has a prima-facie case for consideration of I.A.No.I. Therefore, these two points are taken for discussions together. Before going further I am duty bound to have glimpse of order 7 Rule 11 which reads as under.

- a. where it does not disclose a cause of action;**
- b. where the relief claimed in 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 the requisite 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.**

14. The plaint averments and suit documents required to be taken in to consideration for considering the application under order 7 Rule 11 for rejection of plaint. This principle of law is laid down by **Hon'ble Supreme Court of India in the following case (2020) 3 Indian Civil Cases 448** where in it is held that -

“Civil Procedure Code, 1908, Order 7 rules 11(a) and 14 - 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 pliant, forms basis of plaint, it should be treated as a part of plaint.”

and also in the case of **Soumitra Kumar Sen v. Syamal Kumar Sen**, reported in (2018) 5 SCC 644 where in it is held that -

“Civil Procedure Code, 1908

- **Or, 7 R. 11, S. 11 and Or.2 R.2 - Rejection of plaint on grounds of res judicata, which required consideration of pleadings in written statement - Permissibility - Held, while considering application for rejection of plaint, averments in plaint must be considered and not what is stated in written statement.”**

15. This is an application filed by the plaintiffs against the defendants No.2 to 18 under order 39 Rule 1 and 2 of C.P.C. for interim relief of injunction. The relief of interim injunction is governed by order 39 Rule 1 and 2 of CPC and Section 37 of Specific Relief Act. The plaintiff has filed the present application under order 39 Rule 1 and 2. Therefore, plaintiff has to make out a prima-facie case for grant of interim injunction order. Prima-facie case includes maintainability of the suit, whether there is a triable issue which is made out by the plaintiff at the stage of this case. Whether this Court has got jurisdiction to try this suit is also falls under the prima-facie case. Making out of prima-facie case is really an harbinger for consideration of application under order 39 Rule 1 and 2 of CPC. This principle of law is laid down by **Hon'ble Supreme Court of India Gowrishankara Swamigalu V/s. Siddaganga Mutt reported in ILR 1989 KAR Page No.1701** where in it is held that-

“Order 39 Rules 1 & 2 – Grant of ad-interim injunction – Principles applicable - Existence of prima-facie case is harbinger to investigate other aspects – If no prima facie case, balance of convenience, irreparable loss etc., need no consideration – Existence of prima-facie case does not permit leap-frogging by plaintiff to injunction directly without evaluation of other considerations unmindful

of other consequences – Even if unbeatable prima-facie case exists injunction not to be granted, if consequences of grant, detrimental in nature”.

and also by Hon’ble Supreme Court of India in the case of Kashi Math Samsthan and others V/s. Srimad Sudhindra Thirtha Swamy and another reported in AIR 2010 SCC Page No.296 wherein it is held that -

“Grant of interim relief – requirements – Balance of convenience and irreparable loss – When not required to be considered – Held, in order to obtain order of injunction, party has to show (i) prima-facie case to go for trial, (ii) balance of convenience in his favour, and (iii) irreparable loss and injury if injunction is not granted – Question of considering balance of convenience or irreparable loss and injury to the party does not arise if party fails to prove prima-facie case to go for trial”.

16. In the present facts of the case in hand the plaintiffs are claiming the partition of their share in suit schedule properties. The suit schedule properties are Sy.No.166/3 and New No.166/6 measuring 0-14 guntas and Sy.No.89/2B measuring 0-06 guntas and old Sy.No.166/2, New 166/7 measuring 5-0 acres 0-28 guntas out of which 2-0 acres 028 ½ guntas is situated at Rameshwara Village. Item No.1 and 2 are also

situated at Rameshwara Village. It is admitted fact that O.S.No.130/2009 was filed by the mother of present plaintiffs on the file of this Court. It is undisputed fact that the present suit Item No.1 to 3 were also suit Item No.1 to 3 in the said suit along with Sy.No.137/2 measuring 2-0 acres 0-17 guntas Sy.No.145 measuring 0-24 guntas and Sy.No.89/2B measuring 0-06 guntas and again 89/2B 6-0 guntas and there are 7 Items of in O.S.No.130/2009 and three Items in the present suit. Relationship of parties is not at dispute. Even nature of suit properties is not dispute except the suit Item No.3. The plaintiffs have made assertions that suit Item No.3 is purchased out of joint family funds. On the contrary the defendant No.2 to 4 have taken the plea of self acquisition of suit Item No.3 by their father Govindaraju. Except this dispute of suit Item No.3 the other suit Item No.1 and 2 are admitted to be ancestral properties. Meaning thereby the foundations relevant facts in partition suits i.e., relationship of parties and nature of suit properties is admitted with an exception of dispute in respect of suit Item No.3. Admittedly appeal preferred against the judgment and decree in O.S.No.130/2009 by the mother of plaintiffs in R.A.No.10006/2015 is dismissed. It is also undisputed fact that the interim application filed by present plaintiffs in the appeal which was considered in point No.2 which passed for the determination of appellate Court. The appellate Court vide its orders dated 20-10-2020 by its findings on point No.2 was pleaded to reject the application at I.A.No.IV in the appeal filed under order 1 rule 10 of CPC by the present plaintiffs. The findings on point No.2 in negative.

There was also I.A.No.III and V filed by the present plaintiffs and their mother under order 41 rule 27 for seeking permission of appellate Court for production of additional evidence in Ist appeal. All the applications at I.A.No.III to V are rejected by the appellate Court. As regarding the findings of appellate Court on I.A. filed under order 41 rule 27 it is found in the operative portion of the judgment that I.A.No.III to V are dismissed and the findings on point No.1 and 2 and even the judgment of the appellate Court have attained finality this is also undisputed fact that the orders of the appellate Court on point No.2 it is not made clear that the present plaintiffs are not necessary parties to the appeal as their mother appellant was representing them without their being any dispute in between the plaintiffs and their mother. The reasoning of the appellate Court for rejection of applications filed by plaintiffs under order 1 rule 10 is that the plaintiffs are said to have not stated in affidavit whether they are proper or necessary parties to the proceedings. The relationship of parties is an admitted fact. Whether they were necessary parties or not is a question of law on the admitted fact of relationship. The affidavit and absence of statement in affidavit whether the plaintiffs are proper parties or not is not so relevant fact. If the appellate court has observed that in a partition suit the branch of plaintiffs is represented by their mother then the plaintiffs did not have a case. The appellate Court had opined the presence of plaintiffs is not necessary for disposal of the appeal. There is no observations in the orders of the appellate Court that the mother of plaintiffs is representing them and therefore

plaintiffs are necessary parties as their branch is represented by their mother. Probably this findings on point No.2 of the appellate Court has given scope for the plaintiffs to file the suit. Now the relationship is admitted. Nature of suit Item No.1 and 2 is admitted and nature of suit property of Item No.3 is disputed attaining finality of the previous litigation in O.S.No.130/2009 and R.A.No.10006/2015 is also admitted fact. Admittedly plaintiffs are not parties to O.S.No.130/2009 and R.A.No.10006/2015. Relationship is admitted nature of properties is admitted. Now plaintiffs have birthright in ancestral properties if they prove that there is no partition in the suit properties either by decree or Court or by deed of partition or by oral partition. In the disputed and admitted fact which are exposed by the pleadings of the parties and documents produced by the parties it is very clear that the disputed fact needs to be adjudicated in this suit. Now the defendants have filed I.A.No.II under order 7 rule 11 (a) and (d) of CPC for rejection of plaint as bared by order 2 rule 2 and Section 11 of CPC i.e., principle of res-judicata. The source for the defendant No.2 to 4 for I.A.No.II is disposal of O.S.No.130/2009 and R.A.No.10006/2015 that fact is not at dispute. Now the question is whether order 2 Rule 2 and Section 11 of CPC can be pressed into service to bulldoze the suit of plaintiffs by the force of Section 11 and order 2 Rule 2 of CPC. Both these provisions order 2 Rule 2 and Section 11 of CPC involves a mixed question of fact and law rather a mixed issue of fact and law. Whether Section 11 and order 2 Rule 2

can be invoked for rejection of plaint by applying order 7 Rule 11 (d).

17. The learned Advocate for defendant has relied upon **Hon'ble Supreme Court of India** in the case of **N.V.Srinivasa Murthy and others Versus Mariamma reported in AIR 2005 SC 2897 and also in the case of Madanuri Sri.Ramachandramurthy Versus Syed Jalal reported in AIR 2017 SC 2653.**

18. The learned counsel for the plaintiffs on the contrary and to counter the authorities relied upon by the Advocate for plaintiff has relied upon the principle laid down by **Hon'ble Supreme Court of India** in the case of **Vysh Agarwal Panchayath Versus Indrakumar and Others** reported in **AIR 2015 SC 3357**. In the decision relied upon by the plaintiffs it is laid down that the plaint cannot be rejected by applying Section 11 of CPC. The decision relied upon by the advocate for defendant No.2 to 4 Sri. **Madanuri Sri.Ramachandramurthy Versus Syed Jalal reported in AIR 2017 SC 2653** has laid down that plaint can be rejected by invoking Section 11 and order 2 rule 2 of CPC. The judgment relied upon by the plaintiffs is of 2015 and judgment relied upon by the defendants in the case of **Madanuri Sri.Ramachandramurthy Versus Syed Jalal reported in AIR 2017 SC 2653** is also the decision of Hon'ble Supreme Court of India of coordinate bench of two judges. The decision in the

case of **Madanuri Sri.Ramachandramurthy Versus Syed Jalal reported in AIR 2017 SC 2653** will prevail over the principle laid down in the case of **Vysh Agarwal Panchayath Versus Indrakumar and Others** reported in **AIR 2015 SC 3357** relied upon by the advocate for the plaintiff. By the principles of precedent by application of Art. 141 of Constitution of India . Now what is the latest position on this point at logger heads is duty left to the Court by both the sides because they are not able to lay their hands on the latest position of law. On the contrary the Advocate for plaintiff has relied upon the recent principles laid down by **Hon'ble Supreme Court Of India In The Case Of Sri.Hari Hanumandas Totala Versus Hemanth Vithal Kamat and Others** Reported In **(2021) 9 SCC 99** which reads as under;

**“A. Civil Procedure Code, 1908 — Or. 7
R. 11(d) and S. 11 — Rejection of plaint
where suit appears from statement in
plaint to be barred by any law —
Applicability of bar of res judicata —
Held, cannot be determined at stage of
rejection of plaint — The same can only
be determined upon trial of the suit —
Plaint in subsequent suit cannot be
rejected on ground that it is barred by
principles of resjudicata as same will
require production of pleadings, issues**

framed and judgment in previous suit, to compare it with present suit and that cannot be done for deciding an application under Or. 7 R. 11(d), as only the averments in the plaint itself may be considered at this stage.”

“Section 11 cannot be pressed into service for the rejection of plaint at the threshold. The principles is simply clear that the principles of res-judicata and order 2 rule 2 is a mixed question of complex facts and a law.”

and also in the case of **Soumitra Kumar Sen v. Syamal Kumar Sen**, reported in (2018) 5 SCC 644 where in it is held that –

“Civil Procedure Code, 1908

- **Or, 7 R. 11, S. 11 and Or.2 R.2 – Rejection of plaint on grounds of res judicata, which required consideration of pleadings in written statement – Permissibility – Held, while considering application for rejection of plaint, averments in plaint must be considered and not what is stated in written statement.”**

19. Therefore, I am of the opinion that by the principles laid down by Hon'ble Supreme Court of India in the case of **Hon'ble Supreme Court Of India In The Case Of Sri.Hari Hanumandas Totala Versus Hemanth Vithal Kamat and Others reported in (2021) 9 SCC 99** supra. The plaint cannot be rejected by invoking either order 2 rule 2 or Section 11 of CPC. By the coroliary when the defendants have failed to demonstrate that plaint is liable to be rejected then naturally admitted relationship and admitted nature of suit Item No.1 and 2 and disputed suit Item No.3 and also admitted fact of disposal of O.S.No.130/2009 and R.A.No.10006/2015 and rejection of applications filed by the plaintiffs under order 1 rule 10 in the appeal and findings of the appellate Court on point No.2 has given scope for the plaintiffs to open up the mind for filing the fresh suit taking advantage of the orders of appellate Court keeping the fingers crossed and keeping open the options open for the plaintiffs. Therefore, I am of the opinion that the plaintiffs have made out prima-facie case for consideration of I.A.No.I. Hence, I am of the opinion that the defendants have failed to demonstrate that the plaint is liable to be rejected. Hence, I answered Point No.1 affirmative and point No.4 negative.

POINT No.2 and 3:

20. Plaintiff have established prima-facie case on the admitted fact with disputed nature of suit Item No.3 and admitted litigations from suit proceedings from Ist appellate Court. On the contrary the defendants with their ill fate by the

principles laid down by **HON'BLE SUPREME COURT OF INDIA in the case of SRI.HARI HANUMANDAS TOTALA VERSUS HEMANTH VITHAL KAMAT AND OTHERS REPORTED IN (2021) 9 SCC 99** are not able to bulldoze the suit of the plaintiffs. Meaning thereby now the suit has go for trial keeping intact the disputed property this is rule of law under order 39 Rule 1 and 2 r/w S. 151 of CPC. When law come to the aid of plaintiffs i.e., barring the rejection of plaint under Section 11 of CPC, then plaintiffs have right to relegate the facts to trial and to prove the case at the trial. If ultimately plaintiffs succeeds and defendants loses, then the plaintiffs must be in a position to enjoy fruits of the decree. In the event of plaintiffs losing the case and dragging the defendants for litigation round and round the defendants have right for costs and compensated costs under Section 35 and Section 35 (A) of CPC. Even under order 39 Rule 1 and 2 r/w S. 151 of CPC the Court will be within its limited rather lakshmanrekha to impose a condition on a plaintiffs to file an affidavit stating that the plaintiffs will compensate the defendants if ultimately the plaintiffs fails in a suit. Keeping open all these options for the parties and in the admitted facts of the case, I am of the opinion that as of now at the stage of case the balance of convenience lies in favour of plaintiffs and the factor of irreparable loss and also in favour of plaintiffs. Hence, I answered point No.2 and 3 in favour of plaintiffs.

Point No.5:

21. In view of my findings on point No.1 to 4, I proceed to pass following;

ORDER

I.A.No.I filed by the plaintiff under order 39 Rule 1 and 2 r/w S. 151 of CPC are hereby allowed.

The defendants No.2 to 18 and their agents, servants or anybody acting on their behalf are hereby restrained from alienating the suit schedule properties either by creating any kind of charge like sale, mortgage and third party interest over the suit properties till further orders.

I.A.No.II filed by the defendants No.2 to 4 under order 7 Rule 11 (a) and (d) of CPC is hereby rejected.

Plaintiffs shall file affidavit making undertaking statements that they shall compensate the defendants if ultimately fails in the suit for dragging the defendants for litigation round and round again.

Draw decree in terms of orders on I.A.No.II.

(Dictated to the Typist copyist, typed by her, corrected and then pronounced by me in the open Court on the 22th day of August 2022.)

(ARVIND SAIBANNA HAGARGI)

Senior Civil Judge & JMFC.,
Doddaballapur.