

IN THE COURT OF II ADDITIONAL CIVIL JUDGE AND JMFC ,
AT DODDABALLAPUR

PRESENT : SRI. RAVI BETAGAR B.A., LL.B., (Hons.)
II.Addl. Civil Judge & J.M.F.C.
Doddaballapura
Bengaluru Rural District.

Dated this the 1st Day of July -2025

O.S. No.222/2022

- Plaintiff/s : 1. Smt.Akkayamma.,**
W/ Late Venkategowda,
Aged about 75 years,
- 2. Smt.Kempamma.,**
W/o Late Venkataramanappa,
Aged about 65 years,
R/at: Shravanuru Village,
Hanabe post, Doddabelavangla Hobli,
Doddaballapura Taluk.
- 3. Sri.Purushotham.,**
S/o Late Narayanaswamy,
Aged about 28 years,
- 4. Sri.Channegowda.,**
S/o Late Munichannappa,
Aged about 71 years,

Plaintiff No.1, 3 and 4 are R/at:
Gundasandra Village,
Hanabe Post, Doddabelavangala Post,
Doddaballapura Taluk.

(Represented By Sri.S.G., Advocate)

- V/s. -

- Defendant/s : 1. Sri.Ambarish Kumar.,**
S/o Late Venkataswamy,
Aged about 43 years,

R/at: Gundasandra Village,
Hanabe post, Doddabelavangala,
Doddaballapura Taluk,

- 2. Smt.Manjula.,**
D/o Late Raju.M,
Aged about 46 years,
R/at: #12/2, Ground Floor,
Muniswamappa Layout,
Swami Vivekandanda Road,
Alasuru, Bengaluru-560008.
- 3. Smt. Rekha.P.Shetty.,**
D/o Late Raju.M,
Aged about 41 years,
R/at: #156, 1st Main Road,
Ambedkar Nagar,
Ramamurthy Nagar,
Bengaluru East.
- 4. Smt. Shravani Bobbala.,**
W/o Kumaraswami Muvva,
R/at: # 34, SLS Spencer Muvva,
Agara Lake, Horamavu,
Bengaluru-560043.
Represented by GPA Holder her
Husband Sri.Kumaraswamy Muvva.
- 5. Sri.Kumaraswamy Muvva.,**
S/o Muvva Venkatareddy,
Aged about 45 years,
R/at: # 34, SLS Spencer Muvva,
Agara Lake, Horamavu,
Bengaluru-560043.

**(Rep. By Sri.V.R.M., Adv. for D4, Sri.S.K.Adv for
D2 and 3 and D1 placed ex-parte),**

I.A.NO.I

Defendants : **Sri. Ambarish Kumar & Others**
applicant

V/s

Plaintiff/s : **Smt. Akkayamma & Others**
Oponent

ORDER ON APPLICATION FILED U/O VII RULE 11(a) and (d) R/w
Sec.151 OF C.P.C.

1. The defendant filed the present IA u/o VII Rule 11 of CPC seeking to reject the plaint as per the grounds urged by him in the application supported by the affidavit.

2. The plaintiff filed the objections and prays to dismiss the application as per the grounds urged by him in the objections.

3. Heard both sides and perused the records.

4. This court proceeds to frame the following points for consideration

1. Whether the defendant shows that the, plaint is liable to be rejected u/o VII Rule 11 of CPC?

2. What order ?

5. This court proceed to answer the aforementioned points as hereunder:

Point No.1: In the Negative.

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

REASONS

6. POINT NO.1: It is the case of the defendant no 4 and 5 that, the plaintiffs suit does not shows any cause of action and it is barred by law of limitation. The defendants contend that, the suit of the plaintiff does not show any cause of action because, the plaintiff has failed to state that, how the plaintiffs constitute a joint hindu family and in that, regard the plaintiff has not provided any G-Tree and how the suit schedule properties are the joint family properties, what is the relationship and how the property has been devolved to them.

7. Further it is contended that, the suit is barred by the law of the limitation as the sale deed came to be executed on 2014 in favor of the defendant no 4 and 5 by the defendant no 2 and 3 and the plaintiffs have filed the present suit after lapse of 8 years. As such the suit is barred by the law of limitation. Also as the execution of the sale deed is admitted by the plaintiff in the plaint shows that, he is not in the possession of the suit schedule property.

8. The plaintiff in the objections denies the entire allegation of the applicants herein and take specific contention about they being the owners of the suit schedule property.

9. Firstly, with respect to the law of the limitation, it is well established rule of that, the question of limitation is a mixed question of facts and law as such the same cannot be considered at this stage and reject the plaint of the plaintiff on the basis that, the suit is barred by law of limitation. Also the plaintiff is not seeking any cancellation of the sale deed or any other relief. The suit is only one for the relief of bare injunction. Hence, this issue raised by the defendant is suitable to be addressed at the stage of the trail not at this juncture.

10. Secondly, the suit is filed by the plaintiff for seeking the relief of the permanent injunction. It is not a suit for the partition, which might necessitates the plaintiff to mention in details about the joint family status of his family and how the property devolved into his hand. The said aspect cannot be considered. In the suit for the injunction, the only aspect which the court looks into is that, whether the plaintiff is in the possession of the suit schedule property or not.

11. In the entire application or the affidavit filed in support of the application the defendant failed to states that, how the plaint is barred by any law or how the plaint does not show any cause of action. Apart from stating few aspects in the application and the affidavit the defendant has not mentioned any one specific ground as to why the plaint is liable to be rejected. As the defendant failed to show any valid grounds to allow the application this court proceeds to answer the point no 1 in the negative.

12. Point No2: As per the following reasons, this court proceeds to pass the following:

ORDER

The I.A. filed by the defendant u/o VII Rule 11 (a) and (d) of the CPC is hereby dismissed.

(Dictated to the Stenographer directly on the computer, typed by her, corrected, initialed and then pronounced by me in open Court on this the 1st day of July - 2025.)

(SRI.RAVI BETAGAR)
II Addl. Civil Judge & JMFC
Doddaballapura.