

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

**PRESENT:**

Sri. Arun Kumar.G. B.A., LL.B.  
Senior Civil Judge & JMFC,  
Hosakote.

**Dated this the 28<sup>th</sup> day of January 2026**

**O.S.No.208/2022 (Old No.2187/2021)**

**Plaintiff/s** : Smt.Munikadiramma & Ors.

**- V/s -**

**Defendant/s** : Smt.Bharathamma & Ors.

**Applicants** : Smt.Bharathamma & Ors.  
(Defendant No.1 to 3)

Provision under which the application is filed	Order 7 Rule 11(a) and (d) of CPC
Relief sought for	Rejection of plaint
The date on which the application is filed	09-10-2023
Number of the application	I.A.No.3
The date on which the objections are filed by the different opponents	28-05-2024
The date on which the orders were passed on the said application	28-01-2026

**Order on I.A.No.3 filed U/o 7 Rule 11(a) and (d) of CPC**

The defendants have filed the above application to reject the plaint as it is barred by law and it does not disclose the cause of action.

2. In the annexed affidavit it is stated that, the plaintiffs have filed the above suit for the relief of declaration that they are the absolute owners of the suit schedule property and such other reliefs. The plaintiffs have admitted in their plaint that the suit schedule property has been sold by the legal heirs of Akkayamma in favour of Ramaiah way back in the year 1967. Pursuant to the said sale, he took possession of the suit schedule property. While seeking declaration of their status in relation to the suit schedule property, the plaintiffs ought to have prayed for possession of the suit schedule property. Further, the suit is barred by Proviso to Section 34 of the Specific Relief Act as well as by limitation and there is no cause of action for the relief as sought in the plaint. The plaintiffs have to seek possession of the suit schedule property within the prescribed period of limitation i.e., 12 years from the date when the said Ramaiah entered into possession of

the suit schedule property. But, the said suit was filed in the year 2021. Hence, prays to allow the application.

3. The plaintiffs filed objections to the above application by denying the entire statement of the defendants and further contended that the mother of the plaintiffs is the absolute owner of the suit schedule property and she acquired the same through grant made by the Thasildar, Hosakote by imposing a non alienation clause for a period of 15 years vide HOA.No.25/1991. Hence, the mother of the plaintiffs has not executed any deed or conveyance in favour of anybody else. But, the father of the defendants has created the sale deed and based on the same filed the false application without having any valid grounds to prove the same. Till today the plaintiffs are in peaceful possession and enjoyment of the suit schedule property and hence they have filed the above suit with proper cause of action and the said alienation was not made by the original grantee. Hence, the suit is not barred by limitation. Hence, prays to reject the application.

4. Based upon the above contentions of the plaintiffs and defendants, following points arise for consideration of this court:

1. Whether the defendants have made out sufficient grounds to reject the plaint?

2. What order?

5. Heard the arguments on both sides. On due perusal of the records, the court findings on the above points are as under:

Point No.1 : In the Negative,

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

### **REASONS**

6. **Point No.1:-** The defendants have filed the above application for rejection of plaint stating that the suit is having no cause of action and the same is barred by limitation and also barred under Section 34 of Specific Relief Act.

7. The counsel for the defendant argued that in the year 1967 the suit schedule property was sold in favour of one Ramaiah and they have partitioned the same. Further, the said sale deed was not challenged by the plaintiff. Therefore, after lapse of 54 years from the date of sale deed the above application is filed on illusory cause of action.

8. On perusal of available records the above suit is filed by the plaintiffs against the defendants for the relief of declaration and permanent injunction alleging that they are in possession and enjoyment over the suit schedule property. Further, stated that the suit schedule property was earlier re granted in favour of one Akkayamma W/o Doddanallappa under HOA.No.25/1990-91 on 15-7-1991.

9. But, the defendants through their written statement and through the above application have denied the same and further contended that the suit schedule property was sold in favour of Ramaiah on 30-8-1967. After lapse of 54 years from the date of said alienation the above suit is filed.

10. Therefore, it is relevant to refer the Order 7 Rule 11 of CPC which reads as follows:-

**11. Rejection of plaint:-** *The plaint shall be rejected in the following cases;*

*(a) Where it does not disclose a cause of action;*

*(b).....*

*(c).....*

*(d) Where the suit appears from the statement in the plaint to be barred by any law;*

*(e).....*

*(f).....*

11. The remedy under Order 7 Rule 11 is an independent and special remedy which empowers the Court to summarily dismiss the suit at the threshold if it is satisfied that any of the grounds contained in Order 7 Rule 11 is made out. The underlying object of Order 7 Rule 11(a) is that in any suit no cause of action is disclosed or suit is barred by limitation under Order 7 Rule 11(d), the court would not permit the plaintiff to unnecessarily to protract the proceedings in the suit. Under Order 7 Rule 11, a duty is cast upon the court to determine whether plaint discloses cause of action by scrutinizing the averments made in the plaint read in conjunction with the documents relied upon or whether the suit is barred by any law.

12. Having regard to Order 7 Rule 14 of CPC, the documents filed along with the plaint are required to be taken into consideration for deciding an application Order 7 Rule 11(a) of the Code and the Court would determine if the assertions

made in the plaint are contrary to the statutory law or judicial dicta and whether a case for rejecting the plaint at the threshold is made out. If on meaningful reading of the plaint it is found that suit is manifestly vexatious and without any merit and does not disclose a right to sue, the court would be justified in exercising the power under Order 7 Rule 11 of the Code.

13. As per the above order, in order to reject the plaint the court has to consider the averments made in the plaint and it is immaterial to consider the statement made by the defendant in the above application or in the written statement.

14. Here in this case, the plaintiffs contended that the suit schedule property was originally granted in favour of Akkayamma and she never executed any sale deed in favour of Ramaiah on 30-8-1967 before the re-grant of suit schedule property and further contended that the said suit schedule property was granted on 15-7-1991 by the Thasildar with a non-alienation period of 15 years.

15. The plaintiffs further contended that after the demise of said Akkayamma the plaintiffs were continued in possession and enjoyment over the same having title. Whether they are in possession and enjoyment over the suit schedule property by virtue of re-grant or not and they are having title over the same it requires a full fledged trial. Further, the plaintiffs have not challenged the said alleged alienation made on 30-8-1967. Therefore, at this stage the defendants have not made out any grounds to reject the plaint. Hence, I answer point No.1 in the “**Negative**”.

16. **Point No.2** :- In view of the aforesaid findings on point No.1, I proceed to pass the following:

**ORDER**

I.A.No.3 filed by the defendants under Order 7 Rule 11(a) and (d) of CPC is hereby rejected.

No order as to costs.

(Dictated to the stenographer, transcribed by her, corrected by me and then pronounced by me in the open court on this the 28<sup>th</sup> day of January 2026.)

(Arun Kumar.G)  
Senior Civil Judge & JMFC,  
Hosakote.

