

**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 10th day of October 2025

O.S.No.1606/2022 (Old No.456/2022)

Plaintiff/s : Sri.Papanna

- V/s -

Defendant/s : Smt.Thippamma & Ors.

Applicants : Smt.Thippamma & Ors.

Provision under which the application is filed	Order 7 Rule 11 (a) & (d) R/w Section 151 of CPC
Relief sought for	Rejection of plaint
The date on which the application is filed	20-03-2023
Number of the application	I.A.No.2
The date on which the objections are filed by the different opponents	13-06-2023
The date on which the orders were passed on the said application	10-10-2025

**Order on I.A.No.2 filed U/o 7 Rule 11 (a) and (d) R/w
Section 151 of CPC**

The defendants No.1 to 3 have filed the above application to reject the plaint for want of cause of action and it is barred by Limitation.

2. In the annexed affidavit it is stated that, the plaintiff has filed the above suit for the relief of declaration claiming to be the son of one G.Hullurappa and possession. The said G.Hullurappa has executed a sale deed dated 4-11-1991 in favour of father of the defendant No.2 by name G.Hullurappa. Now, the plaintiff has filed the above suit challenging the sale deed and mutation entries of the year 1992-93. Further, the defendants have transferred a portion of the suit schedule property in favour of defendant No.5. The time period provided under the Limitation Act to challenge the sale deed or to seek declaration in relation thereto is 3 years and the same was expired on 3-11-1994. Hence, the suit is barred by limitation. Further, the plaintiff did not challenged the sale immediately after the execution of sale deed or the name of the father of defendant No.2 and 3 by name G.Hullurappa was mutated in the revenue records. Hence, the

suit is frivolous and there is no cause of action. Hence, prays to allow the application.

3. The plaintiff filed objections to the above application by denying the entire statement of the defendants and further contended that the defendants instead of filing the written statement have filed the above application on baseless grounds only to drag on the proceedings. The father of the plaintiff by name G.Hullurappa has partitioned the family properties in favour of his children through various deeds. The said Hullurappa got transferred the katha in respect of 20 guntas belongs to the plaintiff and Papanna acquired by them through sale deeds dated 6-11-1991 and 4-11-1991. Thereafter, they have created the sale deed dated 4-2-2005 set to have been executed by the defendant No.4 in favour of defendant No.5 and another sale deed dated 13-5-2005 executed by the defendant No.4 in favour of Late.Hullurappa. Further, they have created a false Will in the year 1993 in the name of defendant No.3. Hence, the application is not maintainable either in law and liable to be rejected.

4. Based upon the above contentions of the plaintiff 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 defendant No.1 to 3 have filed the above application for rejection of plaint stating that the suit is not having any cause of action and the same is barred by limitation.

7. In support of their application they have also filed written notes of arguments wherein they have argued that the suit schedule property was purchased by the father of the plaintiff by name G.Hullurappa on 4-11-1991. The father of the defendant No.2 by name G.Hullurappa has filed a suit for the relief of declaration and permanent injunction in O.S.No.384/1996 which was decreed. Thereafter, the plaintiff has filed an appeal in R.A.No.147/2013 and the same was renumbered as

R.A.No.87/2022. Though the plaintiffs are having knowledge about the denial of title with respect to the suit schedule property they have filed this suit in the year 2022 claiming the relief of declaration and permanent injunction which is barred by law of limitation and the plaintiff is not having any cause of action.

8. In support of his application, the counsel for the defendant No.3 has relied the following judgments:

i) The Hon'ble Apex Court reported in T.Arivandandam V/s T.V.Satyapal & Anr.

ii) The Hon'ble Apex Court reported in (2012) 8 SCC 706 between Church of Christ Charitable Trust & Educational Charitable Society V/s Ponniamman Educational Trust.

iii) The Hon'ble Apex Court reported in Raghwendra Sharan Singh V/s Ram Prasanna Singh (Dead) by his L.R's.

iv) The Hon'ble Apex Court reported in SCC (2011) 9 SCC 126 between Khatri Hotels Pvt. Ltd., V/s Union of India & Anr.

v) The Hon'ble High Court of Karnataka reported in Metropoli Overseas Ltd., V/s H.S.Deekshit & Ors.

9. Per contra, the counsel for the plaintiff argued that the plaintiff has filed this suit for the relief of declaration and possession of the suit schedule property and also declaration that the sale deed dated 4-2-2005 is not binding on them. In support of his arguments, he has produced the judgment reported in W.P.No.51322/2016 between Y.N.Konda Reddy V/s Narayanappa & Ors.

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. On perusal of the said provision of law, for rejection of plaint the court has to consider the statement made in the plaint and the documents produced by the plaintiff under Order 7 Rule 14 of CPC. It is immaterial to consider the defense taken by the defendants through their written statement and their documents.

14. The plaintiff in support of his case has produced genealogical tree, copy of sale deed dated 6-11-1991 through which the plaintiff has purchased the suit schedule property from one G.Hullurappa for valuable consideration. Further, he has also produced MR.No.6/1991-92, RTC and mutation extracts, copy of other sale deeds, EC, certified copy of judgment passed in O.S.No.394/1996 and also appeal memorandum of R.A.No.147/2013.

15. On perusal of all the above records produced by the plaintiff and by considering the arguments canvassed by both the parties, here in this case the plaintiff is claiming the title over the suit schedule property on the sale deed dated 6-11-1991 through which he has purchased the same from one G.Hullurappa and Maliyappa for valuable consideration.

16. Further, he has also claiming possession of the suit schedule property stating that the during the year 2018 the defendant No.1 has dispossessed him from the suit schedule property. It clearly goes to show that within 12 years from the date of alleged dispossession, the plaintiff has filed the above suit claiming title and possession over the suit schedule property. Therefore, whether the alleged sale deed dated 4-2-2005 is not binding on the right of the plaintiff over the suit schedule property or not, it requires a full fledged trial.

17. Furthermore, at para No.23 of the plaint the plaintiff has clearly averred about the alleged cause of action with regard to the dispossession from the suit schedule property. Hence, at this stage, the defendants have not made out any reasonable grounds to reject the plaint. Hence, I answer point No.1 in the “**Negative**”.

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

ORDER

I.A.No.2 filed by the defendants No.1 to 3 under Order 7 Rule 11 (a) & (d) R/w Section 151 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 10th day of October 2025.)

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

