

KABR610004262006



**IN THE COURT OF I ADDL. CIVIL JUDGE & J.M.F.C. AT  
NELAMANGALA**

Present: **Sri Manju.M., B.Sc. L.L.B.,**  
I Addl. Civil Judge & J.M.F.C.,  
Nelamangala.

**Dated this 9<sup>th</sup> day of December, 2025**

**ORIGINAL SUIT NO.264/2006**

**Plaintiff:** Siddagangamma W/o late Bylappa,  
Aged about 50 years,  
R/at Thippagondanahalli village,  
Thyamagondlu Hobli,  
Nelamangala Taluk,  
Bengaluru Rural District.

(By Sri R.D.S., Advocate)

V/s

**Defendants:**1. Gangaraju S/o late Siddagangaiah.  
Aged about 35 years,  
2. Marappa S/o late Gangaiah,  
Aged about 60 years,

Both are R/at Thippagondanahalli village,  
Thyamagondlu Hobli,  
Nelamangala Taluk,  
Bengaluru Rural District.

[By Sri. A.S., Advocate]

**PARTIES IN I.A.NO.3**

**Applicant/Defendant:** Gangaraju and others.

V/s

**Opponents/Plaintiff:** Siddagangamma.

**ORDERS ON I.A.NO.3 FILED UNDER ORDER 7 RULE 11  
(a) to (d) OF CIVIL PROCEDURE CODE.**

This application filed by the applicant/Defendant No.1 under Order 7 Rule 11 (a), (d) of CPC and prays to reject the plaint as not maintainable.

2. This application is supported by an affidavit of the defendant No.1. In the said affidavit the applicant has submitted that the plaintiff contended that she owned Site No.31 and same was granted by the Government in the year 1971-72 and when the site was granted by the Government, they made a plan also. Further, it is submitted that the plaintiff without produced the plan claiming the suit property and the plaintiff has not shown the interference in the plaint. Further, it is

submitted that the plaintiff has suppressed the true facts and there is no cause of action to file this suit and the alleged cause of action is incorrect. Further, it is submitted that the boundaries given by the plaintiff is incorrect and the plaintiff has not produced the layout plan. Hence, prays to allow the application.

3. On the other hand, the Plaintiff has opposed this application and contended that the plaint clearly discloses the cause of action and the plaintiff has mentioned all relevant facts which give rise to the suit for declaration and injunction. Further, it is contended that after restoration of the suit, the defendant No.1 has filed this application without mentioning the true facts. Further, it is contended that the defendant No.1 has not made out a grounds for allowing application. Hence, prays to dismiss the application.

4. Heard arguments of counsel for plaintiff and defendants. Perused the documents on record.

5. Following points arise for my consideration.

1. Whether the application filed under Order 7 Rule 11(a) (d) of CPC is deserves to be allowed or not?
2. What order or decree?

6. My findings on the above points are as follows:

Point No.1 : In the **Negative**  
Point No.2 : As per final order  
for the following:

### **REASONS**

7. **Point No.1**: What should be approach of the court while considering the application under Order 7 Rule 11(a) to (d) R/w sec. 151 of CPC has been discussed in the following rulings and it is appropriate to refer the same at this stage;

**Saleem Bhai Vs State of Maharashtra, (2003) 1 SCC 557  
at page 560:**

9. A perusal of Order 7 Rule 11 CPC makes it clear that the relevant facts which need not be looked into for deciding an application there under are the averments in the plaint. The trial court can exercise the power under

Order 7 rule 11 of CPC at any stage of the suit---before registering the plaint or after issuing summons to the Defendants at any time before the conclusion of the trial. **For the purposes of deciding an application under clauses (a) and (d) of Rule 11 of Order 7 CPC, the averments in the plaint are germane; the pleas taken by the Defendants in the written statement would be holly irrelevant at that stage,** therefore, a direction to file the written statement without deciding the application under Order 7 Rule 11 CPC cannot but be procedural irregularity touching the exercise of jurisdiction by the trial court. The order, therefore, suffers from non exercising of the jurisdiction vested in the court as well as procedural irregularity. The High Court, however, did not advert to these aspect.

**Madanuri Sri Rama Chandra Murthy Vs Syed Jalal, (2017) 13 SCC 174: (2017) 5 SCC (Civ) 602: 2017 SCC online SC 459 at page 178**

7. The plaint can be rejected under Order 7 Rule 11 if conditions enumerated in the said provision are fulfilled. It is needless to observe that Order 7 Rule 11 CPC can be exercised by the court at any stage of the suit. The relevant facts which need not to

looked into for deciding the application are the averments of the plaint only. If on an entire and meaningful reading of the plaint, it is found that the suit is manifestly vexatious and merit-less in the sense and not disclosing any right to sue, the court should exercise power under Order 7 Rule 11 CPC. **Since the power conferred on the court to terminate civil action at the threshold is drastic, the condition enumerated under Order 7 Rule 11 CPC to the exercise of power of rejection of plaint have to be strictly adhered to.** The averments of the plaint have to be read as a whole to find out whether the averments disclose a cause of action or whether the suit is barred by any law. It is needless to observed that the question as to whether the suit is barred by any law, would always depend upon the facts and circumstances of each case. The averments in the written statement as well as the contentions of the Defendants are wholly immaterial while considering the prayer of the Defendants for rejection of the plaint. **Even when the allegations made in the plaint are taken to be correct as whole on their face value, if they show that the suit is barred by any law, or do not disclose cause of action, the application for rejection of plaint can be entertained**

**and the power under Order 7 Rule 11 CPC can be exercised.** If clever drafting of the plaint has created the illusion of a cause of action, the court will nip it in the bud at the earliest so that bogus litigation will end at the earlier stage.

8. In the light of the above law, it is necessary to analysis the plaint averments. The plaintiff has filed a suit against the defendant for the relief of declaration and permanent injunction over the suit schedule property by contending that the Government has granted the suit property in favour of plaintiff and the katha of the suit property had been mutated into the name of plaintiff herein. Further, it is the case of the plaintiff that the defendants having no manner of right, title or possession over the suit property tried to interfere to the possession of the plaintiff over the suit property.

9. Order 7 Rule 11(a) to (f) of CPC empowers the court to reject a plaint where, from the statements made in the plaint itself, the suit appears to be barred by any law and does not discloses any cause of action. The

scope of this provision is limited to examining whether, on a meaningful reading of the entire plaint, without any reference to the defence, the suit is exfacie barred. The expression “from the statements in the plaint” is significant, and the court is bound to confine its enquiry to the averments in the plaint alone, without embarking on any factual controversy or requiring evidence at this stage.

10. Therefore, unless the bar of law is apparent on the face of the plaint, the power under order 7 Rule 11 cannot be invoked. It is settled law that mere assertion by the defendants that the plaint may be rejected is not sufficient, the plaint itself must disclose such a bar on its face. If any arguable or triable issues arises, particularly involving mixed questions of fact and law, the rejection of plaint is unwarranted.

11. The fact of the present case is peculiar and merit close examination. The plaintiff has filed the suit against

the defendant seeking a relief of declaration and permanent injunction in respect of suit property. The sole contention taken by the defendants is that there is no cause of action to file this suit and the suit is barred by limitation. It is to be noted that only on the basis of said contention taken by the defendants is not sufficient to reject the plaint. In the case on hand, the plaintiff has claimed the relief of declaration and injunction and the burden lies on the plaintiff to prove his case. In light of the categorical stands taken by the plaintiff in the plaint, this court is of the considered view that the ingredients of order 7 Rule 11 of the CPC, which empowers the court to reject a plaint, cannot be extended. In order to adjudicate the dispute between the parties, a full fledged trial is required. Hence, this court is proceed to answer **Point No.1 in the Negative.**

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

**ORDER**

I.A.No.3 filed by the  
applicant/defendant No.1 is  
hereby dismissed.

(Dictated to the Stenographer, transcribed and typed by him, then corrected by me on the computer, signed and then pronounced by me in the open Court on this the 9<sup>th</sup> day of December, 2025)

Sd/-  
I Addl. Civil Judge & JMFC,  
Nelamangala.