



**IN THE COURT OF THE SENIOR CIVIL JUDGE
AND JMFC AT MUDIGERE**

: PRESENT :

**SRI. PRAKASH P.M., M.B.A., LL.B.,
SENIOR CIVIL JUDGE & JMFC,
MUDIGERE.**

O.S. No. 72/2023

DATED THIS THE 10th DAY OF NOVEMBER 2025

Plaintiff: Sri. K. Manchegowda,
S/o Late Kadegowda,
Aged about 58 years,
Businessman,
R/o J.M. Road,
Mudigere Town,
Chikkamagaluru District.

Represented by his GPA Holder,
H.K. Manoj
S/o Late H.S. Kalappagowda,
Aged about 48 years,
R/o Daradahalli village,
Mudigere Taluk,
Chikkamagaluru District.

(By Sri. H.S., Advocate)

V/s.

Deffendants: 1. Smt. K.T. Sridevi,
W/o D.R. Duggappagowda,



Aged about 56 years,
R/o Gendehalli- Belur Road,
Mudigere Town,
Chikkamagaluru District.

2. Sri. D.R. Duggappagowda,
S/o Late Ramegowda,
Aged about 63 years,
R/o Gendehalli – Belur Road,
Mudigere Town,
Chikkamagaluru District.

(By Sri. K.M.P., Advocate)

I. A. No. VIII

Applicants :- Smt. K.T. Sridevi and others

V/s.

Opponent:- Sri. K. Manchegowda

1	Provisions under which the application is filed	Under order VII rule 11(b) of CPC
2	Relief sought for	Reject the plaint
3	The date on which the application is filed	06.06.2025
4	Number of the application	IA. No. VIII



5	Date on which the objection filed by opponents	04.07.2025
6	The date on which the order was passed on the said application	10.11.2025

Senior Civil Judge and JMFC,
Mudigere

**ORDERS ON I.A.NO.VIII FILED BY THE DEFENDANTS U/O
VII RULE 11(d) OF CPC**

I.A.No. VIII filed by the defendants U/o VII rule 11 (D) of CPC to reject the plaint on the ground that the suit has not been valued for the purpose of computation of court fee and the proper court fee has not been paid on the plaint.

2. In the affidavit annexed with IA defendant No.2 averred that, from a plain reading of the plaint itself it would be clear, glaring and apparent that the subject matter of the suit deliberately under valued for the purpose of computation of court fee and resultantly proper court fee has not been paid on the Plaint. In elaboration of what has



been stated above, He has taken specific contention that the subject matter of the suit is not properly valued for the purpose of computation of court fee and for determination of jurisdiction and proper court fee has not been paid on the plaint. Therefore, the suit is not maintainable for the said reason. Hence prays to allow the application.

3. On the other hand plaintiff has filed objection to the IA contending that, application is not maintainable either in law or on facts. It is settled law that the plaint cannot be rejected on the allegations of nonpayment of proper court fee before entertaining the proper court fee which is to be decided in trial. Hence, plaintiff prays to dismiss the IA.

4. Heard both side, perused the written notes of arguments furnished by defendants and perused the materials on record.

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

2. What order?



5. My findings on the above Points are as below:

Point No.1 : In Negative.

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

REASONS

6. **Point No.1:** The defendants have filed this application under order 7 rule 11(b) of CPC praying to reject the plaint. The defendants contented that the suit has not been valued for the purpose of computation of court fee and the proper court fee has not been paid on the plaint.

7. The plaintiff has filed this suit for the relief of declaration, possession and permanent injunction. Now, the case is posted for further chief examination of PW-1. At this stage defendants have come with this application.

8. According to the defendants, the suit has not been valued for the purpose of computation of court fee and proper court fee has not been paid on the plaint. Hence, prays to reject the plaint.

10. At this stage it is essential to refer Order 7 rule 11 of CPC which says ...



Order 7 Rule 11. Rejection of plaint- *The plaint shall be reject in the following cases:-*

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

(b) where the relief claimed is 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) xxxxxxxx

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

and by reading the clause (b) of order 7 rule 11 of CPC it is clear that, where the relief claimed is 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;, then only court can reject the plaint.

11. It is relevant to note that it is well settled law that the plaint cannot be rejected by the court for non payment of proper court fee before ascertaining the proper



court fee. According to the defendants, the suit has not been valued properly and proper court fee has not been paid on the plaint. The said contention taken by the defendants is yet to be decided by this court during the trial. At this stage without ascertaining the said contention the court cannot directly arrive at a conclusion that the suit is not properly valued and plaintiff has not paid proper court fee. Wherefore, the application is devoid of merits and for that reason, I have answered **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.

O R D E R

The IA No.VIII filed by the defendants under order 7 rule 11(b) of CPC is hereby **dismissed.**

No order as to costs.

(Dictated to the stenographer directly on computer, computerized by her, corrected and then pronounced by me in the open court on this the 10th day of November 2025)

(PRAKASH P.M.)
Senior Civil Judge & JMFC,
Mudigere.



The defendants have filed IA No. IX U/o XIV rule 5 R/w 151 of CPC seeking to file additional issue as “Whether the subject matter of the suit is properly valued for the purpose of computation of court fee and for determination of jurisdiction and proper court fee has been paid on the plaint?”

The plaintiff counsel submitted no objection to frame the additional issue.

The defendants in the written statement at para No.10 clearly taken the contention that the suit has not been properly valued and court fee paid by the plaintiff is insufficient. But the issue with regard to the said contention has not been framed by this court. Hence, it is necessary to frame the additional issue. Accordingly IA No.IX is allowed. The below additional issue is framed.

“Whether the defendants prove that the suit is not properly valued and the court fee paid is insufficient?”

Case posted for further chief examination of PW-1.

**Senior Civil Judge & JMFC,
Mudigere.**