

KACM710010562026



IN THE COURT OF PRL. CIVIL JUDGE AND J.M.F.C, TARIKERE

**PRESENT: Sri. Rahul Shettigar, B.Com (Hons.), LL.B
Prl. Civil Judge & J.M.F.C, Tarikere**

DATED THIS THE 1st DAY OF AUGUST, 2026

ORIGINAL SUIT No. 194/2026

BETWEEN:

Smt. Lakshamma,
W/o. Sri. Chandrappa,
Aged about 45 years,
R/o. Hurulihalli village,
Belenahali post,
Tarikere Taluk,
Chikkamagalur District.

PLAINTIFF

(By Smt. B.T. Geetha, Advocate)

-AND-

Sri. Thimmaiah,
S/o. Sri. Hanumanthappa,
Aged about 38 years,
Agriculturist,
R/o. Hurulihalli village,
Belenahalli post,
Tarikere Taluk,
Chikkamagalur District.

DEFENDANT

(By Sri. T.V. Nagaraja, Advocate)

IN I.A.NO.III

Sri. Thimmaiah

**APPLICANT/
DEFENDANT**

-AND-

Smt. Lakshamma

OPPONENT/ PLAINTIFF

KACM710010562026



PARTICULARS

<i>i</i>	<i>Provision under which the application is filed</i>	<i>Order VII Rule 11(d) r/w S.151 of CPC</i>
<i>ii</i>	<i>Relief sought for</i>	<i>Rejection of plaint</i>
<i>Iii</i>	<i>The date on which the application is filed</i>	<i>10.06.2026</i>
<i>iv</i>	<i>Number of the application</i>	<i>I.A.No.III</i>
<i>v</i>	<i>The date on which the objections are filed by different opponents</i>	<i>07.07.2026</i>
<i>Vi</i>	<i>The date on which the orders were passed on the said application</i>	<i>01.08.2026</i>

ORDERS ON I.A. NO. III

1. Applicant/ Defendant has filed the instant application under Order VII Rule 11(d) r/w Section 151 of C.P.C seeking an order of rejection of the plaint.
2. In the affidavit accompanying the application, it is averred that the present suit has been filed seeking the relief of permanent injunction in respect of the property bearing Assessment No. 97 of Huralihalli Village Panchayath. It is contended that the father of the Defendant and his brothers are the absolute owners of land bearing Sy. No. 77, measuring 1 acre 37 guntas, situated at Huralihalli Village. It is further contended that, instead of instituting the suit against the alleged rightful owners of the said property, the

KACM710010562026



Plaintiff has falsely filed the present suit only against the Defendant with an intention to derive unlawful gain. On these grounds, the Defendant has prayed for allowing the application.

3. *Per contra*, the Plaintiff has filed a statement of objections contending that the application is not maintainable either in law or on facts and is liable to be dismissed in limine. It is contended that the Plaintiff has no manner of right, title, or interest in Sy. No. 77 and that she is in lawful possession and enjoyment of the property bearing Assessment No. 97 of Belenahalli Grama Panchayath. It is further contended that, since the Defendant interfered with her peaceful possession and enjoyment of the suit schedule property, she was constrained to institute the present suit. Accordingly, it is contended that the application is devoid of merit and liable to be dismissed. On these grounds, the Plaintiff has prayed for dismissal of the application.
4. Heard both sides.

KACM710010562026



5. Having heard the rival contentions and on perusal of the materials, the points that would now arise for my consideration are as under -

Point No.1 : Whether the Applicant/ Defendant has made out sufficient ground as required under Order VII Rule 11(d) of C.P.C to reject the plaint?

Point No.2 : What Order?

6. Now, my 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

7. **Point No.1:** The present suit is filed by the Plaintiff seeking relief of permanent prohibitory injunction restraining the Defendant, his men, agents, or anybody, from unlawfully interfering with the Plaintiff's peaceful possession and enjoyment of the suit schedule property or encroaching or dispossessing the Plaintiff from the plaint schedule property and such other ancillary reliefs and such other ancillary reliefs.
8. By way of the instant application, the Applicant/ Defendant seeks an order for the rejection of the plaint. The application

KACM710010562026



has mainly been brought under Order VII Rule 11 (a) & (d) of C.P.C, which reads thus –

Rejection of plaint -The plaint shall be rejected in the following cases –

(a) where it does not disclose a cause of action

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

9. Before advertng to appreciate the contentions raised on either side, it would be beneficial to first understand the manner in which the Court has to proceed to deal with applications filed seeking rejection of the plaint, which has been beautifully encapsulated by the Hon'ble High Court of Karnataka in **SRI. BALARAMA V. N.C. BYATAPPA AND ORS.**, a Judgment rendered on 23.03.2022 in **R.F.A No.718/2012 (Dec/Par)**, wherein it is held at Para No's. 8 and 9 as under -

8. Order 7 Rule 11 CPC makes it clear that the relevant facts which needs to be looked into for deciding an application thereunder are the averments in the plaint. The Court can exercise power under Order 7 Rule 11 CPC at any stage of the suit before registering the plaint or after registering the summons by the defendants at any time before conclusion of the trial. For the purpose of deciding an application under clauses (a) and (b) of Rule 11 of Order 7 CPC, the averments in the plaint are germane; the pleas taken by the defendant in the written statement would be wholly irrelevant at that stage. Perusal of Order 7 Rule 11 shows that plaint can

KACM710010562026



be rejected only if it appears from the statement in the plaint to be barred by any law. Even if the expressions of the statement in the plaint is given a liberal meaning, documents filed in the plaint may be looked into but nothing more. It is a trite law that Court must give a meaningful reading to the plaint and if it is manifestly vexatious or meritless in the sense of not disclosing a clear right to sue, the Court may exercise its power under Order 7 Rule 11 of CPC. Therefore, the Court while considering an application under Order 7 Rule 11 cannot take out submissions in the plaint in isolation but has to conduct a meaningful reading of the plaint. If the Court concludes that suit claims are barred by law, it has no option but to reject the plaint. The power to reject a plaint or to retain it for amendment should not be exercised except in a clear case. If there is any serious question to be decided, the proper course is to let the suit proceed with trial and then determine the matter on merits.

9. *The Hon'ble Apex Court in the case of Saleem Bhai vs. State of Maharashtra has held that matter is to be decided only on the averments made in the plaint. The Hon'ble Apex Court was also of the view that for the purpose of deciding an application under Order 7 Rule 11(a) and (d), averments in the plaint are germane. Pleas taken by the defendant in the written statement would be wholly irrelevant at that stage. Therefore, what emerges is that the disputed questions cannot be decided at the time of considering an application under Order 7 Rule 11 of CPC."*

- 10.** Keeping the very provision of law and these principles in mind, it becomes necessary to delve into the rival contentions.

KACM710010562026



11. The present application is filed on the contention that the suit is brought against the wrong party and hence, lacks any cause of action.
12. It is well-settled that while considering an application of the present nature, the Court is required to confine its scrutiny to the averments made in the plaint and the documents relied upon therein. The defences set up by the Defendant in the written statement cannot be gone into at this stage. The contentions now urged in the application essentially form part of the defence pleaded by the Defendant and, therefore, cannot be a ground for rejection of the plaint.
13. A perusal of the plaint averments discloses that a cause of action has been clearly pleaded for the institution of a suit for permanent injunction. At this stage, it cannot be said that the suit is devoid of any cause of action. Accordingly, this Court is of the view that the application is devoid of merits and is liable to be dismissed. With these observations, **Point No.1**, which has arisen for my consideration, is answered in the **Negative.**
14. **Point No.2:**For the foregoing reasons, the following -

KACM710010562026



ORDER

*I.A No.III filed by the Applicant/
Defendant under Order VII Rules 11(d) of
C.P.C is hereby dismissed.*

Now, no costs.

(Dictated to Stenographer, after transcription, print out corrected and then pronounced by me in open Court on this the 1st of AUGUST, 2026)

sd/-
(Rahul Shettigar)
Prl. Civil Judge & J.M.F.C,
Tarikere.