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**IN THE COURT OF THE ADDITIONAL CIVIL JUDGE AND
J.M.F.C., AT TARIKERE**

Present: Smt.Urmila.V. B.A.L., LL.B.,
Addl. Civil Judge & JMFC, Tarikere.

Dated: 10th Day of September 2025

ORIGINAL SUIT NO.233/2025

PLAINTIFF/s :

K.T.Huchegowda S/o late
Thimmegowda, aged 80 years,
Agriculturist, R/o Karakuchi A Colony
Village, Lakkavalli Hobli, Tarikere
Taluk.

(Reptd. By : Sri S.N.Mallegowda, Advocate.)

Vs.

DEFENDANT/s:

- 1) Smt.Laxmamma W/o late
M.Basavaraju, aged 55 years,
- 2) Ranganatha S/o late M.Basavaraju,
aged 34 years,
- 3) Sunil S/o late M.Basavaraju, aged 32
years,

All are R/o Karakuchi A Colony Village,
Lakkavalli Hobli, Tarikere Taluk.

(Reptd. By : Sri K.Chandrappa
Sri K.S.Vasanth and
Sri B.S.Niranjnamurthy, Advocates.)

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PARTIES TO I.A.NO.II

Applicant : Ranganath

Vs.

Opponent : K.T.Huchegowda

i	Provision under which the application is filed	Order VII Rule 11 of CPC
ii	Relief sought for	Reject the plaint
iii	The date of which the application is filed	29.07.2025
iv	Number of application	I.A.No.II
v	The date on which the objection are filed by different opponents	30.07.2025
vi	The date on which the orders were passed on the said application	10.09.2025

ORDER ON I.A.NO.II

The defendants have filed the instant I.A. under Order VII Rule 11 of CPC and prays to reject the plaint with heavy cost.

2. In the annexed affidavit, the defendant No.2 has stated that, he is representing on behalf of other defendants also. The plaintiff has filed the present suit against the defendants for permanent injunction in respect of suit schedule property. The plaintiff has not filed the above plaint with clean hand and the averments of plaint are fully false

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and baseless, because no civil court shall have jurisdiction to decide or deal with any section which is by or under this Act required to be decided or dealt with by Deputy Commissioner, this means, the issue is about illegal transfer or restoration of granted land, only the Deputy Commissioner has the power to decide. The civil court has no jurisdiction to interfere and no civil court cannot make orders on PTCL lands if the matter falls within the scope of the PTCL Act 1978 and hence, the above suit is liable for dismiss/reject. It is further stated that averments of plaint are false and the same is created to file the present suit on the basis of false documents and false boundaries. It is further stated that as per Section 11 of PTCL Act, the present litigation is of quasi judiciary nature and this court has no jurisdiction to try this suit. The plaintiff has no sketch in respect of grant and the applications filed by the plaintiff under bagar hukum were rejected twice for the above said reasons. Further there is no Government land around the land of Basavaraj.

3. It is further stated that the plaintiff has filed O.S.No.118/2006 on the file Civil Judge (Jr.Dn.) and Addl. JMFC., Tarikere in respect of suit schedule property and the interim application filed by the plaintiff in the said suit under Order 39 Rule 1 and 2 CPC was rejected on 03.11.2007 and

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the said suit was also dismissed on 22.10.2008 for non-prosecution and the suit schedule property of the said suit was the suit schedule property of the present suit. The plaintiff without obtaining the declaration, again filed the present suit in order to waste the precious time this court. If the I.A., is not allowed, the defendants will be put to untold hardship and inconvenience, on the other hand if I.A., is allowed, no hardship and inconvenience will be caused to the plaintiff. Hence, the defendant No.2 prays for to reject the plaint.

4. The copy of the I.A., was served to the other side, the plaintiff has filed detailed objections and resisted the I.A., filed by the defendant No.2 and interalia contended that, the present I.A., is not maintainable either in law or on facts and the contents of affidavit are created for the present case. The suit schedule property is bearing Sy.No.180 measuring 1-26 acres out of 436-22 acres situated at Karakuchi village, Tarikere Taluk. It is further contended that the suit schedule property and the property allotted to the grandfather of defendant No.2 are no way concerned. It is further contended that the property bearing old Sy.No.77/New Sy.No.180 measuring 4.00 acres situated at Karakuchi village was granted to the grandfather of defendant No.2 through

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saguvali chit and out of the said property, 2.20 guntas was sold to Ismail Sab during 1965 as contended by the defendant himself in his written statement. Thereafter said Ismail Sab sold the said property to the plaintiff during 1979. It is further contended that as per defendant No.2, as per the orders of Assistant Commissioner, the Hon'ble High Court of Karnataka and Hon'ble Supreme Court, the possession of the property was handed over to the husband of defendant No.1 and father of defendants No.2 and 3 namely Basavaraju and as per possession, the khata was mutated as per M.R.No.80/1988-89 in respect of land measuring 2-20 guntas and thereby he was in possession of the said land.

5. It is further contended that the Tahasildar, Tarikere has entered with regard to handing over the possession of 2.20 guntas belonged to the defendants and about the possession of plaintiff in respect of suit schedule property bearing re-Sy.No.77 in which house, backyard and garden land is situated. The Tahasildar, Tarikere has also mentioned in his order dated 28.06.2025 with regard to possession of plaintiff and measurement made in the presence of Assistant Commissioner, Tahasildar, Surveyor and police. It is further contended that the Hon'ble High Court of Karnataka has passed order in Writ Petition No.42847/2011 and thereafter

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Writ Appeal No.341/2022 was allowed and in the said order it is clearly mentioned that the plaintiff has right over entire 1.26 acres. It is further contended that the present I.A., is filed with an intention to waste the precious time of the court and the suit schedule property is not comes under PTCL Act and the suit schedule property was not granted by the Government to defendants and their ancestors. In all the reports, it is mentioned that in the suit schedule property measuring 1.26 guntas, the plaintiff has constructed house and made garden land. It is further contended that the defendant No.2 has not exactly mentioned that for which reasons, the suit of the plaintiff has to be rejected and as such, the present I.A., is not maintainable. For all theses grounds, the plaintiff prays for to reject the I.A., with exemplary cost.

6. Heard arguments on both sides. The counsel for the defendants vehemently argued that the suit schedule property will come under PTCL Act and this court has no jurisdiction to try the matter. It is further argued that there is no any Government property attached to the property of Basappa.

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7. Per contra, the learned counsel for the plaintiff vehemently argued that 1 acre 26 guntas in Sy.No.108 is Government land and the plaintiff is in possession of said land and further argued that the suit schedule property is no way related to the defendants property i.e., 2 acres 20 guntas of property in Sy.No.108 situated at Karakuchi village, Lakkavalli Hobli, Tarikere Taluk and the same was already handed to the defendants. Hence, the I.A., is not tenable and prays for to reject the I.A.

8. On perusal of the materials placed on record, the following points would arise for my consideration are :

- 1) Whether the defendants have made out sufficient ground allow the I.A.No.II?
- 2) What order?

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

Point No.1 : In the Negative,

Point No.2: As per the Order,

for the following:

REASONS

10. **POINT NO.1:** On perusal of the materials available on record, admittedly the plaintiff has filed present suit against the defendants for the relief of injunction in respect of

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suit schedule property. The defendants have filed the instant I.A., to reject the plaint on the ground that this court has no jurisdiction to try the matter as the suit schedule property comes under PTCL Act.

11. Before advertng to the factual matrix of the interim application, it is just and necessary to keep in mind the law laid down regarding Order VII 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) 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) where the relief claimed is properly valued, but the plaint is written upon paper insufficiently stamped, and the plaintiff, on being required by the court to supply the requisite stamp paper within a time to be fixed by the Court, fails to do so;

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

(e) where it is not filed in duplicate;

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(f) where the plaintiff fails comply with the provision of Rule 9.

12. At this juncture, I would like to refer the decision of the Hon'ble Apex Court of Indian between **Salim Bai and others Vs. State of Maharashtra and others**, the same is reported in **(2003) 1 SCC 557**, wherein the Apex Court pleased to held that :

For the purpose of constituting under Order VII Rule 11 of CPC, the averments made out in the plaint alone should be germane and plea taken in the written statement or in the I.A., would be wholly irrelevant.

13. According to Order VII Rule 11 of CPC the plaint can be rejected only for the reasons stated above. The contention of the defendants is that, the suit schedule property comes under PTCL Act and this court has no jurisdiction to try the matter. It is to be noted that, at this stage, the court cannot come to the conclusion on the aspect of jurisdiction and the same can be adjudicated by framing preliminary issue and only after enquiry, the court can come to the conclusion that whether this court has jurisdiction to decide the matter or not. The disputed questions cannot be decided at this stage, the grounds made out by the defendants for rejection of plaint

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is not within the purview of Order VII Rule 11 of CPC. Hence, the grounds urged in the I.A., by the defendants are not tenable at this juncture. For considering all these reasons, I answer Point No.1 in the Negative.

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

ORDER

I.A.No.II filed by the defendants under Order VII Rule 11 of CPC is hereby rejected on cost of Rs.200/-.

Cost shall follow the event.

(Dictated to the Stenographer directly on computer, typed by her, corrected by me and then pronounced in the open Court, on this the day of 10th day of September 2025.)

sd/-
(URMILA.V)
ADDL.CIVIL JUDGE &
J.M.F.C., TARIKERE.