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

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

**DATED THIS THE 22<sup>nd</sup> DAY OF JANUARY, 2026**

**ORIGINAL SUIT No. 341/2019**

**BETWEEN:**

1. Sri. Mahadevaiah,  
S/o. Late. Sri. Channabasavaiah,  
Aged about 59 years,  
Agriculturist,

**PLAINTIFFS**

2. Sri. B.C. Onkarmurthy,  
S/o Late. Sri. Channabasavaiah,  
Aged about 57 years,  
Agriculturist,

3. Sri. Maheshwaraiah,  
S/o. Late. Sri. Channabasavaiah,  
Aged about 46 years,  
Agriculturist,

4. Smt. Jagadamba,  
D/o. Late. Sri. Channabasavaiah,  
Aged about 58 years,  
Agriculturist,

Defendant No.1 to 4 are  
R/o. Bankanakatte village,  
Shivani Hobli,  
Tarikere Taluk,  
Chikkamagalur District.

5. Smt. Gowramma,  
D/o. Late. Sri. Channabasavaiah,  
W/o. Sri. Rudraiah,

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Aged about 50 years,  
Agriculturist,  
R/o. Siramagondanahalli village,  
Davanagere Taluk and District.

**(By Sri. K.Lingaraju, Advocate)**

**-AND-**

**DEFENDANTS**

1. Sri. Yogamurthy,  
S/o. Late. Sri. Channabasavaiah,  
Aged about 60 years,  
Agriculturist,  
R/o. Bankanakatte village,  
Shivani Hobli,  
Tarikere Taluk,  
Chikkamagaluru District.

2. Smt. Rudranamma,  
W/o. Late. Sri. Parameshwaraiah,  
Aged about 69 years,

3. Sri. Niranjanamurthy,  
S/o. Late. Parameshwaraiah,  
Aged about 39 years,

4. Sri. Madhumurthy,  
S/o. Late. Sri. Parameshwaraiah,  
Aged about 34 years,

Defendant No.2, 3 and 4 are  
R/o. Shidlihalli village,  
Kadadi post,  
Kibbanahalli Hobli,  
Tiptur Taluk,  
Tumkur District.

5. Sri. Panchakshariaha,  
S/o. Late. Sri. Eranna @ Hirannaiah,  
Aged about 62 years,

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R/o. Bankanakatte village,  
Shivani Hobli,  
Tarikere Taluk.

6. Smt. Indramma @ Eramma,  
D/o. Late. Sri. Eranna @ Hirannaiah,  
W/o. Sri. Kumaraswamy,  
Aged about 58 years,  
Housewife,  
R/o. Shidlihalli village,  
Kadadi post,  
Kibbanahall Hobli,  
Tiptur Taluk,  
Tumkur District.

7. Sri. Halaswamy @ Halaiah,  
S/o. Late. Sri. Eranna @ Hirannaiah,  
Aged about 48 years,  
R/o. Bankanakatte village,  
Shivani Hobli,  
Tarikere Taluk.

**(D-4 to 7 By Sri. C.S. Shivaprasad,  
Advocate)  
(D-1 to 3 – Exparte)**

**IN I.A.NO.IX**

Sri. Halaswamy @ Halaiah

**APPLICANT/  
DEFENDANT No.7**

**-AND-**

Sri. Mahadevaiah and others

**OPPONENTS/  
PLAINTIFFS**

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**PARTICULARS**

<i>i</i>	<i>Provision under which the application is filed</i>	<i>Order VII Rule 11 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>18.02.2025</i>
<i>iv</i>	<i>Number of the application</i>	<i>I.A.No.IX</i>
<i>v</i>	<i>The date on which the objections are filed by different opponents</i>	<i>06.11.2025</i>
<i>vi</i>	<i>The date on which the orders were passed on the said application</i>	<i>22.01.2026</i>

**ORDERS ON I.A. NO. IX**

- 1.** Applicant/ Defendant No.7 has filed the instant application under Order VII Rule 11 r/w Section 151 of C.P.C seeking an order of rejection of the plaint.
- 2.** In the affidavit appended to the application, it is contended that the suit has been filed seeking declaration, partition, and separate possession, and also seeks to set aside the compromise decree passed in O.S. No.38/1994 as not binding. It is alleged that the suit seeks various reliefs based on imaginary stories to overcome previous proceedings and admissions made in Court. The parties to the previous litigation in O.S. No.38/1994 included the present Plaintiffs

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along with Defendant No.1, who had filed the said suit against the husband of Defendant No.2 and the father of Defendant NO.3 and 4. The suit schedule property was included in the compromise, under which it was agreed to be given to one Hiriyanaiyah, and a compromise decree was passed in the year 1996. The Plaintiffs were parties to such compromise and filed the present suit concerning the suit schedule property after a lapse of 23 years, which, it is contended, is barred by the law of limitation. During the proceedings, the Plaintiffs also sought cancellation of the compromise decree passed in O.S. No.38/1994, which was rejected by this Court on 08.03.2022. The Plaintiffs themselves have described various dates on which the cause of action allegedly arose, which is impermissible and contrary to the provisions of the Limitation Act. Since the compromise decree was decreed in 1996, no subsequent cause of action could arise. Hence, it is contended that the suit is barred by limitation and also for want of cause of action. Accordingly, a prayer is made to allow the application.

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- 3.** Resisting the application, the Plaintiffs have filed their objections contending that the application is not maintainable either in law or on facts and is liable to be dismissed in limine. It is submitted that the suit schedule property was gifted in favour of the Plaintiffs' family and was not included in O.S. No.38/1994. It is further contended that Defendant Nos.5, 6, and 7, by allegedly playing fraud, caused the suit schedule property to be included only during the compromise, and therefore, such inclusion is bad in law. It is asserted that the suit is well within the period of limitation. The application, having been filed after the lapse of six years from the date of institution of the suit, is contended to be not maintainable. However, since the allegations against Defendant Nos.5, 6, and 7 pertain to fraud, it is submitted that limitation would not bar the present suit. Accordingly, it is prayed that the application be dismissed with heavy costs.
- 4.** Heard both sides. Learned Counsel for Applicants has produced list along with following documents, in support of the contentions –

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- a. *Civil Appeal No.9519/2019 (Hon'ble Supreme Court)*
- b. *Special Leave Petition (Civil) No.2137/2025 (Hon'ble Supreme Court)*

**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 No.7 has made out sufficient ground as required under Order VII Rule 11 R/w. Section 151 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 Plaintiffs mainly seeking the relief of declaration; consequential relief of possession and such other ancillary reliefs.

**8.** By way of the instant application, the Applicant/ Defendant No.7 seeks an order for the rejection of the plaint on the alleged ground of want of cause of action to file the present

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suit by the Plaintiffs and for the reason that the suit reliefs are barred by law of limitation. The application 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 adverting 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

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*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 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 relevant provisions of law and settled principles in mind, it becomes necessary to examine the rival contentions

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seeking rejection of the plaint, primarily on the grounds of the absence of a cause of action for the Plaintiffs to file the present suit and the contention that the reliefs claimed are barred by the law of limitation. The primary contention in the application is that a suit challenging a compromise decree pertaining to the year 1996 cannot be maintained at this belated stage, thereby warranting rejection of the plaint.

- 11.** The plaint averments indicate that the suit has been brought mainly seeking a declaration of title to the suit schedule property, based on a registered gift executed in favour of the ancestor of the Plaintiffs, one Channabasavaiah, in the year 1958, on the allegation that the Defendants are denying the Plaintiffs' title. The plaint further narrates the existence of a compromise decree dated 03.10.1996 in O.S. No.38/1994, wherein the suit schedule property of the present suit was included in the compromise petition, which culminated in the passing of the compromise decree. The Plaintiffs allege that such inclusion was fraudulent, making it not binding or affecting their rights.

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- 12.** The suit documents relating to O.S. No.38/1994 have been furnished by the Plaintiffs themselves, and since the trial has commenced in the present suit, these documents have been marked as Ex.P-10 to 13. A perusal of these documents indicates that the Plaintiffs, along with Defendant No.1, had filed the said suit seeking a declaration in favour of the ancestor of Defendant Nos.2 to 4, one Parameshwaraiah, which came to be compromised in 1996. Although the ancestor of Defendant Nos.5 to 7, one Hirannaiah, was not a party to the suit, while entering into the compromise, the Plaintiffs and Defendant No.1 agreed to give the suit schedule property to him.
- 13.** It is well-settled law that while a compromise is entered into between parties, the inclusion of other properties not originally in the suit is permissible and recognized under Order XXIII Rule 3 of the CPC. The above narration indicates that the suit schedule property was agreed to be given to the ancestor of Defendant Nos.5 to 7, Hirannaiah, despite him not being a party to the original suit. This aspect is a factual

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question that requires consideration of evidence and has been decided on merits by weighing the contentions of both parties.

- 14.** While deciding the present application, the Court must confine itself to the plaint averments and the documents produced by the Plaintiffs. Hence, the factual aspect regarding the compromise decree, including questions of limitation, cannot be conclusively decided at this stage. The issue of limitation, in the present suit, involves a mixed question of law and fact and must be adjudicated based on the evidence led by both parties.
- 15.** The judgments relied upon by the Plaintiffs relate to the principle that a plaint can be rejected if the suit reliefs are ex-facie barred by law of limitation. However, in view of the above observations, the question of limitation is mixed with factual considerations and cannot be appreciated without examining the evidence. Therefore, the plaint cannot be rejected solely on this ground at this stage. With these observations, **Point No.1**, which has arisen for my consideration is answered in the ***Negative***.
- 16. Point No.2** - For the foregoing reasons, the following -

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**ORDER**

*I.A No.IX filed by the Applicant/ Defendant No.7  
under Order VII Rules 11 r/w Section 151 of C.P.C  
is hereby dismissed.*

*Costs made easy.*

(Dictated to Stenographer, after transcription, print out corrected and then pronounced by me in the Open Court on this the 22<sup>nd</sup> of JANUARY, 2026)

sd/-

**(Rahul Shettigar)  
Pri. Civil Judge & J.M.F.C,  
Tarikere.  
(Itinerate at Ajjampura)**