

KACN320023312023



IN THE COURT OF THE I ADDL. CIVIL JUDGE & JMFC,
AT KOLLEGALA

PRESENT : SRI. M. RANJITH KUMAR B.A,L' L.L.B.
I Addl. Civil Judge & JMFC., Kollegala.

Dated on this the 02nd day of June 2026

O.S. NO.235/2023

Plaintiff : Sri. Vinod Kumar N.,
S/o Nagaraju Naidu,
Aged about 40 years,
R/at: Ramamandira Street,
Hanuru Town & Taluk,
Chamarajanagar District.

Versus

Defendant : Sri. Siddashetty,
S/o late Madashetty,
Aged about 63 years,
R/at: R.S.Doddi,
Hanuru Town & Taluk,
Chamarajanagar District.

INTERIM APPLICATION NO- II

Applicants/ : Sri. Siddashetty
(Defendant)

Versus

Opponents/ : Sri. Vinod Kumar N.
(Plaintiff)

i.	Provision under which the application is filed	Under Order VII Rule 11(A) R/W Section 151 of Code of Civil Procedure.
ii.	Relief sought for	Seeking rejection of the plaint
iii.	The date on which the application is filed	04.08.2023
iv.	Number of the application	II
v.	The date on which the objections are filed by the different opponents	31.01.2024
Vi.	The date on which the orders were passed on the said application	02.06.2026

ORDER ON IA-II

1) The defendant has filed the present application under Order VII Rule 11 of Code of Civil Procedure, seeking rejection of plaint on the grounds that, the suit of the plaintiff does not disclose cause of action for filing the present suit. It is the contention of the defendant that, the property in

Sy.No.144/A1 measuring 2 Acre 50 Cents was part and parcel of property in Sy.No.144/A4 measuring 5 Acre 70 Cents and the grandfather of the plaintiff along with the plaintiff has handed over the entire extent of the property in Sy.No.144/A4 to the defendant and the plaintiff has also endorsed possession of the defendant over the said property before Hanur, station house officer in the year 2023 and the present suit is filed during pendency of the proceedings in Ex.No.21/2019, by creating an illegal sale deed dated 31.03.2023 as such no cause of action has arose for filing the present suit.

2) In counter to the application, the plaintiff has filed objection by contending that, the application filed by the defendant is not maintainable, on the grounds that, the defendant has filed the present application by concealing the true facts and to mislead this court and the question of possession of the parties requires full pledged trial and it cannot be considered without appreciating the evidence and the defendant has also not stated proper grounds for ejection

of the plaint and the plaint does disclose cause of action for filing the present suit. Accordingly, sought for dismissal of the application.

3) Heard Learned counsel for defendant and plaintiff, learned counsel for defendant in support of his arguments furnished documents, such as order sheet in Ex.No.3/2021. Perused materials on record. Accordingly, the following are the points for consideration of this court.

1. Whether the plaint deserves to be rejected under Order VII Rule 11 of Code of Civil Procedure?

2. What order ?

4) For the foregoing reasons, this court answers the above points for consideration as hereunder.

Point No.1 – In the Negative

Point No.2 – As per final order.

REASONS

5) Point No.1:-

It is the case of the plaintiff for permanent injunction with respect to property bearing Sy.No.144/A4 measuring 3

Acre 20 Cents, wherein the defendant claiming alleged possession over the entire extent of property in Sy.No.144/A1 measuring 5 Acre 70 Cents has filed present application under VII Rule 11 of Code of Civil procedure, seeking rejection of plaint for non-disclosure of cause of action in the plaint.

6) It is settled law that, it is only plaint and plaint documents has to be seen to consider an application under VII Rule 11 CPC and from the plaint and plaint documents, it is forthcoming that, the plaintiff claiming to be in possession of the suit schedule property with the allegations of interference. In regards to claim of the defendant is concerned, as rightly pointed out by the plaintiff in his objection, the defendant is allegedly claiming possession over the entire extent of the property and such claim requires evidence to determine and appreciation of evidence can only be done in a full fledged trial. Thus the plaint having disclosed cause of action, the present application filed for rejection of the plaint does not survive for consideration. Accordingly this Court Answers **Point No.1 In the Negative.**

7) POINT NO.2: For the reasons stated above this court proceeds to pass the following order.

:- ORDER:-

IA No-II filed by the defendant under Order VII Rule 11 R/w Section 151 of Code of Civil Procedure is hereby dismissed.

(Typed by me in my personal laptop, the same is corrected, signed and then pronounced by me in the open court on this the 02nd day of June 2026).

(M.RANJITH KUMAR)
I Addl.Civil Judge & JMFC.,
Kollegala.