

KACN320051232025



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 24th day of April 2026

OS. NO.308/2025

Plaintiff : 1. Smt. Malini K.,
W/o Sambaji Rao V.,
Aged about 62 years,
R/at: H.No.2, Deodate Public School
Road, Vittala Nagar, ISRO Layout,
Nagarabhavi, Bengaluru North.

Versus

Defendants : 1. Sri. Ramaswamy S/o Mutta,
Aged about 62 years,
R/at: No.7/123/2, Hosa Kurubara
Beedi, Kollegal Town & Taluk,
Chamarajanagara District.

2. Sri. Rayappa S/o Chikka Hongaiah,
Aged about years,
R/at: Mangala Village, Hanur Taluk
Chamarajanagara District.

3. Smt. Hongamma
W/o Doddahongaiah,
Aged about 75 years,
4. Sri. Nagaraju,
S/o Doddahongaiah,
Aged about 55 years,
5. Sri. Kumara,
S/o Doddahongaiah,
Aged about 48 years,
6. Smt. Doddahongamma,
W/o late Basavaraju,
Aged about 70 years,
7. Smt. Puttathayamma,
W/o late Chikkatammaiah,
Aged about 60 years,
8. Smt. Shylajamma,
W/o late Chikkarangaiah,
Aged about 58 years,
9. Sri. Chinnamaraiah,
S/o late Muddamaraiah,
Aged about 65 years,
Defendant No.3 to 9 are R/at:
Mangala Village,Hanur Taluk
Chamarajanagara District.

INTERIM APPLICATION NO- V

Applicants/ : Sri. Rayappa
(Defendant No.2)

Versus

Opponents/ : Smt. Malini K.
(Plaintiff)

i.	Provision under which the application is filed	Under Order VII Rule 11 (a) of Code of Civil Procedure.
ii.	Relief sought for	Seeking rejection of the plaint
iii.	The date on which the application is filed	25.03.2026
iv.	Number of the application	V
v.	The date on which the objections are filed by the different opponents	07.04.2026
Vi.	The date on which the orders were passed on the said application	24.04.2026

ORDER ON IA-V

1) The defendant no.2 has filed present application under Order VII Rule 11(a) of Code of Civil Procedure, seeking rejection of plaint for non-disclosure of cause of action. It is the contention of the defendant no.2 that, the plaintiff has filed the present suit for declaration of title by way of adverse possession and other consequential reliefs, but she has not produced any documents to substantiate her claim over the Schedule 'B' property and further she has not sought any relief with respect to schedule 'A' property and the defendant

no.2 does not have any right, title and interest over the same and no cause of action arose with respect to schedule 'A' property. Further the plaintiff by filing a memo on 21.02.2026 has withdrawn relief against defendant no.1 and when the plaintiff has withdrawn the relief against defendant no.1, the present suit does not survive for consideration and the plaintiff has claimed the schedule property to be part and parcel of the trust. But in the trust deed, no property is mentioned. Thus, the plaint deserves to be rejected under Order VII Rule 11 of Code of Civil Procedure.

2) In counter to the application of the defendant no.2, the plaintiff has filed her objection by contending that, the application filed by the defendant no.2 is not maintainable either in law or facts and same is liable to be dismissed and further she has claimed that, the defendant no.2 has filed the present application only in order to protract the proceedings and to avoid the adjudication of the suit on merits. Further she has also contended that, the present suit discloses cause of action against the defendants and the contention of the

defendant no.2 is contrary to the pleadings of the plaintiff and she is cultivating the schedule properties for more than 12 years and as such the plaintiff having disclosed the cause of action against the defendants, the claim of the plaintiff cannot be negated without giving opportunity in a full-fledged trial. Accordingly, sought for dismissal of the application.

3) Heard both sides. Perused materials on record. Accordingly, the following are the points for consideration of this court.

1. Whether the plaintiff deserves to be rejected under Order VII Rule 11(a) 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 declaration of title by way of adverse possession, wherein it is the claim of the plaintiff

that, she has acquired schedule 'A' property from her husband by Sri. Sambhaji Rao vide gift deed dated 13.11.2023 and her husband Sri Sambhaji Rao had acquired the schedule 'A' property vide sale deed dated 24.10.2009 and from the date of purchase of the Schedule property by her husband, the plaintiff along with her husband are in continuous and hostile possession in both schedule 'A' and 'B' properties as against the true owner and as such the plaintiffs being in possession for more than 12 years are entitled for declaration of title by way of adverse possession as against the defendants herein. The defendant no.2 by way of present application is seeking for rejection of the plaint on the grounds that, the plaintiff has not sought any reliefs with regard to schedule 'A' property and she has also not produced any documents with regard to her possession over the Schedule 'B' property and further she has already withdrawn relief against defendant no.1 on 21.02.2026. When she has withdrawn the relief against defendant no.1 the present suit does not survive for consideration.

6) On perusal of the materials on record, it could be observed as already discussed the suit is for the declaration of title by way of adverse possession and burden of proving such a fact would always lie on the plaintiff and the contention of the defendant no.2 regarding non-production of the documents with regard to her possession does not arise for consideration at this stage of proceedings and in respect to withdrawal of the relief against defendant no.1 is concerned. The plaintiff vide memo dated 21.02.2026 has only withdrew her relief against defendant no.1 with respect to IA No. 1 only. Thus, it is apparent that the defendant no.2 has filed present application by mis-conceptualizing the memo filed by the plaintiff and further by reading the plaint in total it is apparent that the plaint does disclose cause of action against the plaintiff to file the present suit which has to be dealt in a full-fledged trial. Thus the court is of the opinion that the defendant no.2 has made no grounds to reject the plaint under Order VII Rule 11 of the Code of Civil Procedure. 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-V filed by the defendant No.2 under Order VII Rule 11(a) 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 24th day of April 2026).

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