

IN THE COURT OF THE I ADDL. CIVIL JUDGE AND
J.M.F.C., CHANNAGIRI

:: Present ::

Smt. Mahalakshmi. G

M.A., LL.B.,

**I Addl. Civil Judge & J.M.F.C.,
Chanangiri.**

O.S.No.265/2021

Dated this the 25th Day of September 2025

PLAINTIFF : Hareesh G.M.

V/s

DEFENDANTS : Rajappa & others,

I.A.NO.III

Applicant/ defendant : Rajappa

V/s

Opponent/ plaintiff : Hareesh G.M.

1.	Provision under which the application is filed	Under Order 7 Rule 11 R/w Sec.151 of CPC
2.	Relief sought for	Rejection of plaint
3	Date on which the application is filed	08-06-2022
4.	Number of the application	I.A.No.III
5.	Date on which the objections are filed by different opponents	----
6.	The date on which the orders is passed	25-09-2025

ORDER ON I.A.No.III

This is an application filed by the defendant No.1 seeking the relief of rejection of plaint U/Or. 7 Rule 11 R/w 151 of C.P.C.

2. In support of the application the defendant No.1 sworn an affidavit and stated that, the suit schedule property originally granted under darkasth by the Government on 22-04-1978 to him, which is self acquired property. Subsequently, the revenue records are changed into his name and he is enjoying the suit property as it's absolute owner in possession and he developed the suit property as areca nut garden land by incurring huge expenses of his own. Hence neither the plaintiff nor the defendant No.2 to 5 nor their legal heirs have any rights or share in the suit schedule property. Hence the suit filed by the plaintiff is not tenable under law. Thus, prays to reject the plaint. There is no cause of action arisen to file the present suit and the alleged cause of action narrated is created in order to file the present suit by the plaintiff. Thus prays to reject the application with cost.

3. Despite provided sufficient opportunity the plaintiff failed to file objection.

4. Based on the averments of the affidavit, the following points would arise for my determination.

POINTS

1. Whether the defendant No.1 made out grounds to reject the plaint on the basis of

want of cause of action and defendants have no any hissa right over the suit schedule property ?

2. What Order?

5. The learned counsel for plaintiff addressed arguments on I.A.No.3. Despite provided sufficient opportunity, the defendant has not addressed arguments,

6. Perused pleadings, as well documents placed on record, my answer to the above points are as under:-

POINTS

Point No.1 : In the Negative,

Point No.2 : As per final order

for the following:

:: REASONS ::

7. **Point No.1:-** Before considering the relief sought by the applicant in the present application I feel it appropriate to extract the **Order 7 Rule 11 of Civil Procedure Code, 1908**, which reads as fallows.

“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 under-valued, 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 returned 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;

(f) where the plaintiff fails to comply with the provisions of rule 9;

Provided that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp-paper shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp-paper, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff.”

8. Having taken note of the provisions of the law which empowers court for rejection of the plaint on the above mentioned grounds.

9. It is well settled law that while determining the application filed U/Or. 7 Rule 11 of C.P.C., only averments of plaint should be looked into and not the contention raised by the defendant in his written statement and no other documents. In the present application the applicant urged rejection of plaint mainly on two grounds. i.e., firstly on the ground of lack of cause of action, secondly on the ground that defendants have no any hissa rights over the suit schedule property.

10. The first ground urged by the defendant No.1 that there is no cause of action arisen to file present suit. To consider the said contention this court has thoroughly gone through the plaint averments wherein at page 2 para 5 of the plaint, the plaintiff clearly averred the cause of action arisen to file present suit on 25-09-2021, When the defendants refused to give her hissa share in the suit schedule property. Which leads the plaintiff to approach this court with this suit. Hence the first ground urged by the plaintiff for rejection of plaint is not survive for consideration.

11. The second ground urged by the defendant for rejection of the plaint is as the plaintiff has no any hissa right in the suit schedule property. To consider the said contention whether the plaintiff has hissa right or not it requires full fledged trial. On the basis of self serving affidavit of the defendant, the suit property is acquired by him under Darkasth by the Government on 22-04-1978. Thus, it is his self acquired property according to him.

Merely stating that the present suit schedule property is his self acquired property cannot confirm his acquisition he has to prove his contention during trial. Hence present contention is also out of the purview of the provision as per Or.7 Rule 11 and it requires full fledged trial.

12. Having heard the learned counsels appearing for both side, let this court to note down the settled preposition of law in case of rejection of plaint under Order 7 Rule 11(a) of CPC where it does not disclose of cause of action. The **Hon'ble Supreme Court of India** in the matter between **Soumik Shill v/s Subhashchand Shill, reported in (2015) 5 SCC 732**. Whereunder, the Hon'ble Apex Court of India was held as under;

“Materials which may be considered to sustain and justice in order for rejection of plaint, must be determined only in terms of what is averred in the plaint and not what plaintiff pleads in appeal or in some other suit.

13. Having taken note of the provision of law pleadings, averments of the affidavit as well documents available on record, the grounds urged by the applicant in the instant application is not considerable at this stage. Thus, the defendant No.1 had not made out any grounds as enumerated in Order 7 Rule 11 of CPC to reject the plaint out rightly. Thus, I answered the **Point No.1** in the **Negative**.

14. Point No.2:- As a result, I proceed to pass the following;

ORDER

**I.A No.III filed by the defendant
No.1 under Order 7 Rule 11 R/w Sec.151
of CPC is hereby rejected.**

For hearing on IA.No.I.

Call on 09-10-2025.

(Dictated to the stenographer typed by her directly on computer, corrected and then pronounced by me in Open Court on this 25th day of September, 2025.)

**(Smt. Mahalakshmi. G)
I Addl. Civil Judge & J.M.F.C.,
Channagiri.**