

KADG320055662024



**IN THE COURT OF
PRL. CIVIL JUDGE AND JMFC HARIHAR,
AT HARIHAR**

**Presided Over by SMT. JYOTI ASHOK PATTAR
(B.E., LL.B.)**

O.S. No.186/2024

Dated this the 16th day of December, 2025

Rudamma and others.

....PLAINTIFFS

Vs.

Ningappa and others.

.....DEFENDANTS

PARTIES TO I.A.NO.VI

Ningappa and others.

**....APPLICANTS/
DEFENDANTS**

Vs.

Rudamma and others.

**....OPPONENTS/
PLAINTIFFS**

i	Provision under which the application is filed	U/o 7 Rule 11(a) and 11(d) of C.P.C.
ii	Relief sought for	Rejection of plaint
iii	The date on which the application is filed	03.06.2025
iv	Number of the application	06
v	The date on which the objections are filed by the opponents	29.08.2025
vi	The date on which the orders passed on the said application.	16.12.2025

ORDER ON I.A. No.VI

The present application is filed by the Defendants U/o 7 Rule 11(a) and 11(d) of CPC., at the stage of orders on I.A. No.1, seeking for rejection of plaint on the grounds stated in the accompanying affidavit.

2. In the accompanying affidavit it is stated that, the defendants No.1 to 3 got property from their father under MR.No.46/1987-88 and till today they are having possession of the suit schedule property. The plaintiffs have filed case against these defendants in the Tahsildar Court Harihar, Assistant Commissioner Court, Davangere all the Courts dismissed the case of plaintiffs, finally they filed case before Hon'ble Principal Senior Civil Judge at Harihar and its O.S. No.99/2004, the said case was also dismissed. Without cause of action the plaintiffs now filed this suit

after the laps of 20 years and the suit is barred by law of limitation, the plaint should be rejected without going to the merits of the case. Hence, prays to reject the plaint by allowing the present application.

3. Per contra, the plaintiffs have filed objection and denied the contents of application and affidavit. It is specifically contended that the plaintiffs have filed suit for partition and separate possession of half share in suit schedule properties. And the plaintiffs are in possession of suit schedule properties and cultivating the lands by growing paddy in the suit schedule properties. The plaintiffs and defendants are having equal share in the suit schedule properties. The defendants in order to deceive the share, interest, rights of the plaintiffs over the suit schedule properties filed this application only to drag the proceedings of the Court. That the suit schedule properties are ancestral joint family properties of the plaintiffs. Hence, prays to reject the application.

4. Heard both side.

5. The following points arise for this Court determination:

1. Whether the applicants have made out grounds to reject the plaint U/o 7 Rule 11(a) and 11(d) of C.P.C?
2. What Order?

6. The findings of the Court on the above points are as under:

Point No.1: In the Negative

Point No.2: As per final order,
for the following;

REASONS

7. Point No.1: On perusal of the material placed on record it reveals that the defendants have filed the present application for rejection of plaint stating that there is no cause of action and suit is barred by law. Irrespective of such contention, in order to reject the plaint, on plain reading of the plaint, it should fall under any sub-clauses of order 7 rule 11 of C.P.C., which reads as follows;

- (a) Where Plaintiff does not disclose a cause of action.
- (b) The relief claimed in the plaint is undervalued.
- (c) Where the relief claimed is properly valued but the plaint is written upon paper insufficiently stamped.
- (d) Where suit is barred by law.
- (e) Where plaint is not filed in duplicate and
- (f) Where plaint fails to comply with Order VII, Rule 9.

8. That the plaintiffs have filed the suit for partition and separate possession, on plain reading of plaint it reveals that, the cause of action which is stated by the plaintiff is mixed question of law and facts. And the suit is one for

partition and separate possession, therefore the contention as to the limitation does not arise. Thus the suit does not hit by any of the above said provisions. Therefore it is just and proper to proceed with the case. Hence, this Court is of the opinion that, the defendants have not made out any ground to allow the application. Accordingly, Point No.1 is answered in the Negative.

9. Point No.2 : In view of the above discussion, this Court proceed to pass the following:

ORDER

I.A. No.VI filed by the defendants U/O
7 Rule 11(a) & 11(d) of CPC., is rejected.

No order as to costs.

(Dictated to the Stenographer directly on computer, typed by her, revised and corrected by me and then pronounced in the open Court on this the 16th day of December -2025).

Sd/-
(Jyoti Ashok Pattar)
Prl. Civil Judge & JMFC.,
Harihar.