

IN THE COURT OF THE I ADDITIONAL SENIOR CIVIL JUDGE  
& J.M.F.C., HUBBALLI

Present:  
Sri. Ganapathi Prashanth M.,  
B.A.LL.B.,  
I Addl. Senior Civil Judge & J.M.F.C., Hubballi.

O.S. No.119/2021

Dated this the 24<sup>th</sup> day of June, 2022

Plaintiff/s : Smt.Nagaratna w/o.Prakash Billur, of  
Bailhongal, Dist: Belagavi.

.Vs.

Defendant/s : 1. Smt.Shashikala w/o.Chandrashekhar  
Vastakar and 9 others.

**PARTIES TO I.A.No.2**

Applicant/s : VRL Logistics Ltd, Hubballi.

.Vs.

Opponent/s : Smt.Nagaratna w/o.Prakash Billur.

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**ORDERS ON I.A. No.2**

The defendant No.8 filed I.A. under Order 7 Rule 11 of  
C.P.C. to reject the plaint.

2. The plaintiff filed objections.
3. Heard, perused the pleadings and materials placed  
on record.
4. The points for consideration are;

1. Whether the defendant No.8 has made out grounds for rejection of the plaint ?
2. What order ?

5. The above point No.1 is answered in the negative and point No.2 is as per final order, for the following;

**REASONS**

6. **Point No.1:** In the affidavit filed in support of present application, it is pleaded that 8<sup>th</sup> defendant is one of the purchaser of the suit property belonging to plaintiff's father and the property mentioned in the suit schedule does not mention about the property purchased by defendant No.8 and hence, 8<sup>th</sup> defendant is not a necessary party and plaint is liable to be rejected.

7. The objections of the plaintiff is that, suit is for partition and present application is devoid of merits and the plaintiff is entitled to claim share in the property and valid grounds are not made out for rejection of the plaint.

8. It is relevant to note that for rejection of the plaint, only plaint averments are germane. Any amount of defence put forth by the defendants will be inconsequential to reject the plaint. Plaint must be read in isolation for considering the rejection of plaint under Order 7 Rule 11 of C.P.C. The grounds urged by defendant No.8 is that, the property purchased by him is not mentioned in plaint schedule and hence plaint is liable to be rejected. That amounts to defence to resist the suit or to seek dismissal of the suit against him on merits of the suit claim. That cannot be a ground for rejection of plaint, that too when the plaintiff does not admit the written statement recitals of defendant

No.8. Therefore, valid grounds are not made out for rejection of the plaint and hence, the point No.1 is answered in the negative.

9. **Point No.2:** In view of finding on point No.1, this court proceeds to pass the following;

**ORDER**

I.A.No.2 filed by the defendant No.8 under  
Order 7 Rule 11 of C.P.C. is dismissed.

(Dictated to the Stenographer, transcribed and computerized by him, script corrected directly on computer and then pronounced by me in the Open Court on this the 24<sup>th</sup> day of June, 2022)

(Ganapathi Prashanth M.,)  
I Addl. Senior Civil Judge & J.M.F.C.  
Hubballi.