

**IN THE COURT OF PRL. CIVIL JUDGE & J.M.F.C. AT  
ARASIKERE**

**-: Present :-**

**Santosh Srivatsava, B.A.L, L.L.B  
Prl. Civil Judge & JMFC,  
Arasikere.**

**O.S.No.571/2015**

*Dated : 3<sup>rd</sup> March 2020*

Plaintiff : Rajashekhar S/o Lankaiah,  
60 Years, R/o Belagumba Village,  
Kasaba Hobli, Arasikere Taluk.

(By Sri.B.K.V. Advocate)

**V/s**

Defendants : 1. Veerabhadraiah S/o Dyavaiah,  
65 Years,  
2. Siddaiah S/o Dyavaiah,  
60 Years,  
Both are R/o Belagumba Village,  
Kasaba Hobli, Arasikere Taluk.  
3. The Secretary / PDO,  
Belagumba Grama Panchayath,  
Kasaba Hobli, Arasikere Taluk.

(By Sri. K.A.R Advocate)

**I.A**

**Applicant : Veerabhadraiah & Siddaiah**

**V/s**

**Respondent : Rajashekhar**

**ORDER ON IA U/O 7 RULE 11(d) OF CPC**

1. The defendant has filed application Under Order 7 Rule 11(a) & (d) of CPC praying this Court to reject the plaint.
2. The defendant in the supportive affidavit states that plaintiff has filed the suit claiming title by way of adverse possession and the same is not maintainable in the eye of law and hence prays to reject the plaint.
3. Objection filed by otherside wherein the plaintiff states that the suit is very well maintainable in eye of law and the defendant has sworn false affidavit and hence prays to reject the application.
4. Heard from both the sides.
5. The following points which arise for consideration of this Court are as under :

**POINTS**

1. Whether the said defendant has made out grounds to reject the plaint?
  2. What Order?
6. Finding of this Court to the above points are as under ;
- Point No.1 : In the Negative.  
Point No.2 : As per the final Order  
for the following ;

**REASONS**

7. **Point no.1** :- Perused the plaint averments. The plaintiff alleged to have been perfected by his title by way of adverse possession

pertaining to “B” schedule property and on the perusal of plaint averments alone the suit is very well maintainable in eye of law in view of citation ***Ravinder kaurgrewan V/s Manjith Kaur Appeal no.7764/2014 by overruling Gurudwar Saheb V/s Grama Panchayath, Sirthala.*** Therefore in view of the Hon'ble Supreme Court decision the suit is very well maintainable in eye of law. Hence I answer Point no.1 in Negative.

**8. Point no.2** :- In view of the Point no.1, I proceed to pass the following ;

**ORDER**

***The IA Under Order 7 Rule  
11(d) of CPC stands rejected.***

(Dictated to the Stenographer directly on Computer and corrected by me and then pronounced in the Open court on this 3<sup>rd</sup> March 2020.)

(Santhosh Srivastava)  
Prl. Civil Judge and JMFC,  
Arsikere.