

KAKB210002792024



**IN THE COURT OF SENIOR CIVIL JUDGE AT ALAND,
KALABURAGI DISTRICT.**

:PRESENT:

SRI. S.M. ARUTAGI
B.com. LLB., (Spl)
SENIOR CIVIL JUDGE, ALAND.

O.S.No.117/2024

DATED THIS THE 13th DAY OF FEBRUARY 2025

Plaintiff: Udaykumar S/o Gurulingappa
Malipatil,

V/s

Defendants: Kamalabai W/o Nagendrappa
Malipatil.

PARTIES TO THE INTERIM APPLICATION

**Applicant/
Defendant** Kamalabai W/o Nagendrappa Malipatil,
Age: 70 Years, Occ: Agriculture,
R/o Muddadaga village,
Tq. Kamalapur,
Dist.Kalaburagi.

(By Sri. S. S. Chinchure. Advocate)

Vs.



**Opponent/
Plaintiff** Udaykumar S/o Gurulingappa Malipatil,
Age: 60 Years, Occ: Business,
R/o Muddadaga, Tq. Aland,
Dist. Kalaburagi.

(By Sri. B. A. Deshpande. Advocate)

**ORDER ON IA.NO.II FILED BY THE DEFENDANT U/O VII
RULE -X R/W SEC 151 OF CPC.**

This is an application filed by the defendant U/O.,
VII Rue 10 R/w Sec. 151 of CPC, to return the plaint and
directing the plaintiff to present before the territorial
jurisdiction court by allowing the application in the
interest of justice and equity.

2. In the affidavit annexed to the application, it is
stated that the plaintiff has filed this suit for declaration
and permanent injunction and admittedly the suit
property is comes within the jurisdiction of Kamalapur
Taluk and this court has no territorial jurisdiction to



entertain the suit and even the subject matter of the suit property is immovable and same is comes under Kamalapur Taluka. Therefore, in view of Karnataka Civil Courts Act, 1964 sec 13 and 17, this court has no territorial jurisdiction to entertain this suit. Hence, sought for allow the application.

3. On the other hand, the counsel for plaintiff files detailed objection contending that the present application is not maintainable in the eye of law. It is further contended that intention behind filing of this application is to protract the proceedings of this court and even the Kamalapur Taluak is formed subsequently and thereafter, some villages from Aland Taluka are added to the Kamalapur Taluka and even the government has not issued any notification regarding jurisdictional set up those village from the territorial



jurisdiction of Aland Court to the Kamalapur court. Moreover, there is no circular issued from the judicial department about transfer of cases to the Kamalapur established court and even there is no established courts in the Kamalapur, though it was declared as Taluka place. The plaintiff without producing any single scrap of documents of government or from the Hon'ble High Court filed this present application which is not maintainable. On these grounds, prayed for dismissal of the application with costs.

4. Heard arguments on both side.

5. On the basis of application and objection, the

following points arise for my consideration:-

- 1) *Whether the defendant has made out sufficient grounds to allow her application on IA.No.2*
- 2) *What order?*



6. My answers to the above points are as follows:-

Point No.1 : In the negative.

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

REASONS

7. **Point No. 1:** It is pertinent to note that the plaintiff has filed this suit for declaration and permanent and injunction against the defendants with respect to the suit schedule property and other relief.

8. When the matter was posted for filing of written statement, the defendant has come up with the present application, to return the plaint and directing the plaintiff to present before territorial jurisdiction court. On meticulously perusal of the entire records, application and objection, it is admitted fact that the government has declared the Kamalapur is newly



established Taluka, but till the date, there is no circular or notification was issued either from government or from the Hon'ble High Court to transfer all the cases which are comes under within territorial jurisdiction of Kamalapur Taluka and therefore, without issuance of proper circular from the Hon'ble Court or from the Government, it is not necessary to transfer the suit before the territorial jurisdiction court. The defendent without producing any circular issued by the government or from the Hon'ble High Court filed the present application, in order to drag on the matter and to waste and spoil the precious time of this court and even she has not made any sufficient grounds allow the application. Hence, the defendant has not made out sufficient grounds to allow her application. Accordingly, I answer **point No.1 in the Negative.**



9. **Point No.2:-** For the above said reasons, I proceed to pass the following;

ORDER

Interim Application No.II filed
U/O., 7 Rule 10, R/W Sec 151 of CPC,
by the defendant is hereby rejected
with costs.

For: written statement of
defendant.

Call on:

(Dictated to the Stenographer, transcribed by her,
then corrected by me and pronounced in the open
court on this the 13th day of February, 2025)

(S.M. ARUTAGI).
Senior Civil Judge,
Aland.

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