

KAKB320011282025



Presented on : 11-06-2025
Registered on : 13-06-2025
Decided on : 07-03-2026
Duration : 0 years, 8 months, 26 days

IN THE COURT OF CIVIL JUDGE AND JMFC, AFZALPUR

AT: AFZALPUR

:: PRESENT ::

SRI. Anil Amate

B.A., LL.B (Hon's)

Civil Judge and JMFC

Afzalpur

Dated this 07th day of March-2026.

OS.No. 32/2025

1. Smt. Geeta W/o Late Ramgond Nagoor
Age: 52 years, Occ: Govt. Teacher,

2. Ravikumar S/o Late. Ramgond Nagoor
Age: 32 years, Occ: Nil.

3. Kiran S/o Late. Ramgond Nagoor,
Age: 30 years, Occ: Student,
All R/o Near Malendra Math, Afzalpur,
Tq. Afzalpur, Dist. Kalaburagi.

(By Sri. MBP Advocate)

.....Plaintiffs

Vs

1. The State of Karnataka through Deputy Commissioner,
Yadgir.

2. The commissioner of Education, Kalaburagi.

3. The Deputy Director of Public Instruction, Yadgir.



4. The Block Education officer, Shorapur, Tq. Shorapur, Dist. Yadgir.
5. The Dist. Insurance Officer, KGID Yadgir Dist. Yadgir.
6. The Branch Manager, LIC, Station area, Hyderabad Road, Yadgir.
7. The Accountant General (A.G. Office) Opp KPSC Office, Bangalore.
8. Smt. Laxmi alleged to be W/o of Ramgond Nagoor, Age: 40 years, Occ: Household,
9. Basanna alleged to be S/o Ramgond Nagoor, Age: 21 years, Occ: Student.
10. Mahadevi alleged to be D/o Ramgond Nagoor, Age: 19 years, Deft. No. 8 to 10 R/o Kodekal, Tq. Shorapur, Dist. Yadgir.

(D-1 to 4 By Ld. AGP) (D-5 absent.)

(D-6 by Sri. SBS Advocate)

(D-8, 9 by Sri. ISH Advocate) (D-10 by Sri. RAS Advocate)

..... Defendants

ORDER ON IA No. V FILED U/R 10 OF ORDER VII OF

CPC.

The Ld. AGP for the defendant No 1 to 4 has filed application under Order VII Rule 10 of CPC, same is numbered as IA No.V and it is contended that the deceased Ramagond was served in Yerkihal village in Shorapur Taluka,



in Yadagiri district. He was died on 16.04.2025 in the service, on 05.05.2025 the death certificate of deceased was issued by the Birth and Death Registrar, Kodekal Taluka Hunasagi, the service book, proposal of pension nominee other service related documents are in the Assistant Education office, Shorapur and taluka Treasury office, Shorapur. As per the KCSR the sanction of pension, other pension procedure will be conducted in their office, the plaintiffs merely residing in the Afzalpur can not claim the territorial jurisdiction to file the present suit before Hon'ble court. As per the section 20 of the CPC where the defendants resides or cause of action arises or cause of action wholly or in part arises in that jurisdictional court has to file the suit, all the defendants are resides in Shorapur in Yadagiri district and there is no cause of action arose in the Afzalpur taluka, hence this court has no territorial jurisdiction to try the present suit, hence prayed for return the plaint to present before proper court in the interest of justice and equity.

2. On other others side the plaintiffs have filed the objection to the IA No.V, denied the all the contentions of the defendant No.1 to 4 as meaningless, the husband of the plaintiff No.1 died and cause of action arose within the jurisdiction of this court, the Shorapur Honble Civil Court has no jurisdiction to try the suit. The serious dispute among the plaintiffs and of the defendant No 8 to 10, they have



appeared before this court but not raised any objection in respect of jurisdiction, the defendant No.1 to 4 are only formal parties, they have no way concerned to the dispuitt, the defendant No 1 to 4 are not bonafide in filling the application, just prolonging the matter, the present application is not maintainable liable to be rejected. The defendant No 1 to 4 not followed the required procedure as provided under civil rules of practice to the file the present application, hence prayed for reject.

3. Head argument advanced by Ld.AGP and Sri, Jalade counsel for the plaintiffs, filed memo with relied upon the case law Jeewanti pandey V. Kisan Chandra Pandaey decided by of Hon'ble Apex Court.

4. Points arise for consideration :

1. Whether the defendant No.1 to 4 have made grounds for return the plaint as per Rule 10 Order VII of the CPC?

2. What order?

5. Determination on above point :

Point No.1 : in Affirmative.

Point No 2 : for the following:



: REASONS :

6. **Point No. 1:** The plaintiff has filed the suit against the defendants for the relief of Declaration and Injunction and Mandatory injunction. In the plaint, it is averred that, the plaintiff is wife of the one Rmagond they got married on 03.05.1993, out of the wed lock plaintiff No.2 and 3 were born. The plaintiff No.1 is serving in education department as teacher, earlier she was served in Shivoor till 2007, then he served in Kallur village village in Afzalpur taluka, still the plaintiff No.1 is in service. The husband of the plaintiff No.1 also appointed as teacher 14.01.1999 Bhudihal village in Shorapur taluka. Latterly he transferred to Yarkihal village in Shorapur taluka, he was died on 16.04.2025 in the service. The defendant No.8 to 10 are claiming to be wife and children of the deceased Ramagonda. The defendant No 8 to 10 are not related to the deceased Ramagond. The plaintiffs have filed application for release the service benefits deceased to defendant No. 3 and 4, the defendant No 3 and 4 are going release service benefits to defendant No 8 to 10. The defendant No 1 to 7 are departmental parties to the suit. The plaintiffs and deceased are permanent residence of Afzalpur, considering the residence of the parties and cause of action this court has pecuniary and territorial jurisdiction. Hence instituted the present suit for declaration to declare the plaintiff No.1 to 3 are entitle for the of service benefits of



deceased Ramagonda, direct the defendant No 2 to 7 release the service benefits in favour of plaintiffs and restrain the defendant No 2 to 7 not release service benefits in favour of the defendant No.8 to 10.

7. The specific contention of the defendant No.1 to 4 is that, this court has no jurisdiction to try the plaintiffs suit, the plaintiffs have to file suit in the Shorapur in Yadagiri district, the all the defendants are the residing and their office situated in Shorapur taluka. There is no cause of arose whole or in part within jurisdiction of this Hon'ble court, therefore as per the section 20 of the CPC this court has no territorial jurisdiction to try the present suit. On the other hand plaintiffs have denied the contention taken by the defendants No.1 to 4 as meaningless, nothing made out any specific reasons in respect of this court has jurisdiction to try the suit.

8. on careful perusal of the plaint it is observed that the defendants all are residing residing and their office situated in the Yadagiri district in Shorapur taluka except the defendant No.2 which is situated at Kalaburagi. The relief sought by the plaintiffs is that declaration to declare the plaintiff No.1 to 3 are entitle for the of service benefits of deceased Ramagonda, direct the defendant No 2 to 7 release the service benefits in favour of plaintiffs and restrain the defendant No 2 to 7 not



release service benefits in favour of the defendant No.8 to 10. The suit of the plaintiffs is not for the immovable property or compensation for civil wrong to person or movables, hence the suit is not comes under the sections 16 to 19 of the CPC. The nature of the present suit falls under section 20 of the CPC.

20. Other suits to be instituted where defendants reside or cause of, action arises .-

Subject to the limitations aforesaid, every suit shall be instituted in a Court within the local limits of whose jurisdiction-(a)*the defendant, or each of the defendants where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain; or*

(b)*any of the defendants, where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain, provided that in such case either the leave of the Court is given, or the defendants who do not reside, or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution; or*



(c)the cause of action, wholly or in part, arises.

9. As per the plaint assertion there is no any transaction and cause of action within jurisdiction of this court. The defendants are not residing or carry on business, or personally work for gain within jurisdiction of this court. The plaintiffs contention that they are permanent residence of Afzalpur, hence this court has territorial jurisdiction to try the suit is not sustainable under eye law. The relied decision by the Ld. Counsel for is not relevant to present facts of the case. Hence it not helps to them. Therefore, this Court is of the opinion that, this Court has no territorial jurisdiction to try the suit where the defendants are residing and whole cause action arose out of the territorial jurisdiction of this court, the defendant No.1 to 4 have successfully made the grounds for allow the IA No.V, therefore the plaint needs to be return to the plaintiff to present it before the proper Court. Hence Point No.1 answered in the affirmative.

10. **Point No. 2** : For the above made observation and given reasons this court proceed to pass the following;

ORDER

The office is hereby directed to return the
plaint to the plaintiffs.



The plaintiffs are hereby directed that, as per law to present suit before the proper jurisdictional Court i.e. before the Hon'ble Civil Judge, Shorapur on or before 28.03.2026. The plaintiffs and defendants are directed to take notice of this order and appear before jurisdictional court.

Consequently, the Ex-parte ad-interim order of injunction dated 20.06.2025 granted is hereby stands vacated.

No order as to costs.

(Dictated to the Stenographer directly on computer, typed by him, corrected by me, then pronounced in the open court on this the 07th day of March-2026)

**Civil Judge & JMFC,
Afzalpur.**