



**IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC,
CHINCHOLI**

DATED THIS THE 06TH DAY OF MARCH-2026.

:-PRESENT:-

Anil Shekhanavar., B.Com., L.L.B.
SENIOR CIVIL JUDGE & J.M.F.C
CHINCHOLI.

O.S. No. 94/2024

PLAINTIFFS:

1. Jayshree W/o Late Basawaraj Shinge, Age: 47 Years, Occ: Household, R/o Mogha Village, Tq. Kalagi, Dist: Kalaburagi.
2. Muktanand S/o Late Basawaraj Shinge, Age: 28 Years, Occ: Coolie, R/o Mogha Village, Tq. Kalagi, Dist: Kalaburagi.
3. Akash S/o Late Basawaraj Shinge, Age: 25 Years, Occ: Coolie, R/o Mogha Village, Tq. Kalagi, Dist: Kalaburagi.

(By Sri. J.S.K. Advocate)

-VS-



DEFENDANTS:

1. Parvati W/o Late Basawaraj Shinge, Age: 54 Years, Occ: Household, R/o Mogha Village, Tq. Kalagi, Dist: Kalaburagi
2. Sadanand S/o Late Basawaraj Shinge, Age: 37 Years, Occ: Coolie, R/o Mogha Village, Tq. Kalagi, Dist: Kalaburagi.
3. Umesh S/o Late Basawaraj Shinge, Age: 33 Years, Occ: Coolie, R/o Mogha Village, Tq. Kalagi, Dist: Kalaburagi.
4. Bharat S/o Late Basawaraj Shinge, Age: 28 Years, Occ: Coolie, R/o Mogha Village, Tq. Kalagi, Dist: Kalaburagi.
5. Hemavati D/o Late Basawaraj Shinge, Age: 35 Years, Occ: Household, R/o Mogha Village, Tq. Kalagi, Dist: Kalaburagi.
6. Pooja D/o Late Basawaraj Shinge, Age: 32 Years, Occ: Household, R/o Mogha Village, Tq. Kalagi, Dist: Kalaburagi.



7. Mahadev Swamy S/o
Gurupadayya, Age: 59 Years,
Occ: Household, R/o Mogha
Village, Tq. Kalagi, Dist:
Kalaburagi.

(D-1, 4 By Sri. S.B.K. Advocate)
(D-2, 3, 5 Ex-parte)
(D-7 By Sri. J.P.A. Advocate)

RANK OF THE PARTIES ON I.A- II

Applicant/
Defendant No.7

: Mahadev Swamy S/o Gurupadayya

-vs-

Opponent/Plaintiffs : Jayshree W/o Late Basawaraj
Shinge and others

i.	Provision under which the application is filed	U/O VII Rule 11 d of CPC
ii.	Relief sought for	For rejection of plaint
iii.	The date on which the application is filed	03-11-2025
iv.	Number of the application	I.A. No. II
v.	The date on which the objections are filed by the different opponents	19-02-2026
vi.	The date on which the orders were passed on the said application	06-03-2026



**ORDERS ON I.A. NO.II U/O VII RULE 11(A) R/W SEC.151 OF
CPC.,**

The defendant No. 7 has filed the application under Order VII Rule 11 (A) R/w Section 151 of CPC for seeking rejection of the plaint against him.

2. The defendant No. 7 filed the present application to reject the plaint filed by the plaintiffs, since there is no cause of action accrued to the plaintiffs to file the present suit against the defendant No. 7. The defendant No. 7 submitted in the affidavit annexed to the application that, the plaintiffs filed the suit for partition and separate possession against the defendants. But the defendant No. 7 no way concerned to the family of the plaintiffs and other defendants. The defendant No. 7 entered into an agreement for sale without possession in respect of suit schedule 'B' property but there is no any cause of action



accrued against the defendant No. 7 and also the plaintiffs have not claimed any relief in respect of agreement of sale without possession. Hence, he prays to reject the plaint against defendant No. 7.

3. On the other hand, the plaintiffs have filed objection and submitted that the defendant No. 7 is intend to purchase the suit property when there is no partition between the plaintiffs and other defendants. Therefore, the defendant No. 7 is also necessary party. Hence, they prays to reject the I.A. with costs.

4. Heard and perused the materials available on record.

5. The following points arise for my consideration :-

1. Whether the defendant No. 7 has made out grounds to allow the application filed by him under Order 7 Rule 11 (A) R/w Section 151 of CPC?

2. What order?



6. My answer 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:- The plaintiffs have filed the present suit against the defendants for the relief of partition and separate possession in respect of suit schedule properties. The defendant No. 7 has sought for rejection of the plaint U/o VII Rule 11 (A) of CPC on the ground that there is no cause of action to file suit against him. As per U/o VII Rule 11 of CPC contemplates that under which circumstances the plaint can be rejected, which is enshrined U/o VII Rule 11. The defendant No. 7 has invoked the provision of Order VII Rule 11(A) of CPC for rejection of plaint. It is settled law that the rejection of the plaint U/o VII Rule 11 (a) to (f) can be invoked at any stage before conclusion



of the trial. The learned counsel for the defendant No. 7 contends that there is no any relief against him and he is noway concerned to the family of the plaintiffs and other defendants. There is no cause of action to file the suit against him. Hence, he prays to reject the plaint against him. But on the other hand, the plaintiffs have stated in their plaint that, the defendant No. 7 intend to purchase the suit property when there is no any partition between the plaintiffs and defendants. Hence, to avoid complication and multiplicity of the suits, the defendant No. 7 has been arrayed as necessary parties. After perusal of the plaint averments and contents of the affidavit filed by the defendant No. 7, the opinion of this court is that, the defendant No. 7 himself admitted that he entered into an agreement of sale without possession in respect of suit schedule 'B' property and same has been executed by the one of the deceased Basawaraj who is the father of the plaintiffs and other



defendants. Therefore, the present suit is for the relief of partition and separate possession. The defendant No. 7 himself admitted he entered into agreement of sale without possession in respect of suit schedule 'B' property with deceased father of the plaintiffs and other defendants. Therefore, there is a cause of action accrued by the plaintiffs for filing of the present suit for partition and separate possession against defendant No. 7 also. Therefore to avoid complication and multiplicity of the suits, the defendant No. 7 is also necessary party for adjudication of the suit effectively. Accordingly, this Court answer Point No. 1 in the Negative.

8. POINT NO.2:- In view of the findings on Point No.1, this Court proceed to pass the following:-

ORDER

***IA No.II filed by the defendant No. 7
under Order VII Rule 11(A) R/W Section 151
of CPC is hereby dismissed.***

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OS No.94/2024

No order as to costs.

(Dictated to the Stenographer on computer directly, typed by him, Order corrected and signed by me, then pronounced by me in the Open Court on this the **06th day of March, 2026**).

(ANIL SHEKHANAVAR)
Senior Civil Judge & JMFC
Chincholi