

**IN THE COURT OF THE I ADDL. SENIOR CIVIL JUDGE
AND JMFC., AT K.R.PETE**

Dated this 19th day of February- 2026

Present : DEVARAJU H.R. BA., LLB.,
I Addl. Sr. CJ & J.M.F.C.,
K.R.Pete.

O.S.No.24/2017

PLAINTIFF/S:

1. Sri. Marigowda
S/o Singrigowda,
(abated)

2. Sri. H.M. Kumara
S/o Marigowda,
aged about 50 years,
R/o # 42, 1st cross,
1st main, Vijayananda nagara,
Nandini layout, Bengaluru.

3. Sri. Puttegowda
S/o Marigowda
aged about 42 years,
R/o Old Attiguppe village,
Santebachahalli hobli,
K.R.Pete taluk,
Mandya district.

4. Smt. Radhamma
W/o Sanna Subbegowda,
aged about 54 years,
R/o Byaladakere village,
Sheelanere hobli,
K.R.Pete taluk,
Mandya district.

5. Smt. Meenakshi
W/o Ningarajegowda
aged about 48 years,
R/o Kallanakere village,
Kikkeri hobli,

K.R.Pete taluk,
Mandya district.

6. Smt. Neelamma
W/o Nanjegowda
aged about 43 years,
R/o Ankanahalli village,
Kikkeri hobli,
K.R.Pete taluk,
Mandya district.

7. Smt. Bharathi
W/o Manjegowda
aged about 37 years,
R/o Nagaraghatta village,
Doddasomanahalli post,
Santebachahalli hobli,
K.R.Pete taluk,
Mandya district.

(By Sri.L.V Adv, for P-2 to 7
& P-is abated)

-V/s-

DEFENDANT/S:

Sri. Kubera
S/o Marigowda,
aged about 47 years,
Agriculturist,
R/o Old Atiguppe village,
Santebachahalli hobli,
K.R.Pete taluk,
Mandya district.

(By Sri. CNM, Adv)

I.A.NO.VIII

Applicants/Defendant:

Sri. Kubera

-V/s-

Opponent/Plaintiffs :

Sri. Marigowda and Others.

ORDERS ON I.A.NO.VIII

Learned counsel for the defendant has filed IA No.VIII U/order 7 Rule 11 of CPC and prays for reject the plaint as this court no pecuniary jurisdiction to try this suit.

2. The defendant in annexed affidavit to the application has stated that, plaintiffs have filed present suit for Partition and Separate Possession in the suit schedule properties. The plaintiffs have valued the suit schedule properties for Rs. 5,00,000/- but total value of the property Rs. 2,00,000/-. The plaintiffs have not furnished any documents to show the actual market value. Hence, this court has no jurisdiction to try this suit which comes within the Rs. 5,00,000/-. Hence, prays for reject the plaint.

3. Per contra, plaintiffs have filed objection to the present application and contended that, application filed by the defendant is not maintainable either in law or on facts. The plaintiffs have calculated the value of the property U/sec. 7(2) (b) of Karnataka Court Fee and suit valuation Act. The plaintiffs have also paid a proper court fee U/sec. 35(2) of the Act. The defendant has filed present application in order to drag on the proceedings. Hence, prays for dismiss the application.

4. Heard arguments. Perused the available materials on record.

5. The following points would arise for the consideration of this Court as follows:

1. Whether the suit filed by the plaintiff appears from the statement in the plaint that relief claimed by the plaintiffs is not properly valued?

2. What order?

6. My answer 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 the case of the plaintiffs that, suit schedule properties are the ancestral and joint family properties of themselves and defendant. Hence, they have demanded the defendant to allot their legitimate share in the suit schedule properties. But defendant has refused to allot their share. Hence, she has filed present suit for partition and separate possession.

8. It is well settled that in order to consider an application U/order 7 Rule 11 the court has to scrutinize the averments/pleas in the plaint and to consider the application which filed U/order 7 Rule 11

of CPC, defense of the defendant is irrelevant as the application for rejection of the plaint has to be decided only on the averments of the plaint. Keeping this principle in mind I proceed to discuss on averments of the plaint.

9. Once again I repeat that it is the contention of the plaintiffs that, suit schedule properties are the joint family and ancestral properties of themselves and defendant. They are in joint possession of the same. Hence, they have demanded the defendant to allot their legitimate share. But defendant has refused the same. Hence, they have filed present suit. It is the contention of the defendant that plaintiffs have valued the suit for Rs. 5,00,000/-. But actual market value is Rs. 2,00,000/-. Hence, this court has no jurisdiction to try this suit. It is relevant to note here Order VII Rule 11 of CPC read as follows.

11. Rejection of plaint.— The plaint shall be rejected in the following cases:

- (a) where it does not disclose a cause of action;**
- (b) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;**

(c) where the relief claimed is properly valued, but the plaint is returned upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;

(d) where the suit appears from the statement in the plaint to be barred by any law;

(e) where it is not filed in duplicate;

(f) where the plaintiff fails to comply with the provisions of rule 9:

Provided that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp-paper shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp-paper, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff.

10. A plain reading of the above said provision makes it clear that when averments of the plaint does not disclose cause of action and statement of the plaint is barred by law and other circumstances which embodied in above section court can reject the plaint. I gone through the entire averments of the plaint. The plaint properly framed by the plaintiffs. By over all reading of the plaint it appears that suit discloses cause of action for the suit. Further on plain reading of the Sec. 11(b) it is clear that where the relief is claimed is under valued then court may reject the plaint if plaintiffs fail to proper valuation within time fixed. But if plaintiffs have valued the suit for higher valuation, then it is not a ground to reject the plaint.

11. Once again I repeat that, it is the contention of the defendant that plaintiffs have valued the property more than Rs. 5,00,000/-. But actual market value is only Rs. 2,00,000/-. I gone through the valuation slip filed by the plaintiffs. The plaintiffs have valued the entire suit schedule properties for Rs. 10,00,000/- for the purpose of court fee and for the purpose of jurisdiction have valued the share of the plaintiff for Rs. 8,75,000/- and paid fixed court fee of Rs. 200/-. This suit comes under the 7(2) (b) of Karnataka Court Fees and Suit Valuation Act. Hence, plaintiffs have rightly assign the deemed market value of the property for Rs. 8,75,000/- with respect to their share over the

said properties. Hence, I am of the opinion that plaintiffs have rightly calculated the suit for Rs. 8,75,000/- which is comes under pecuniary jurisdiction of this court. Hence, I am of the opinion that on perusal of the entire plaint it appears that plaintiffs have filed present suit by ascertaining proper reasons for seeking partition and separate possession in suit schedule properties. There is no bar to seek partition in joint family properties. Hence, I hold that plaint is not liable to be rejected at threshold. The defendant has filed present application after lapse of 8 years. Hence, it is fit case to impose heavy cost on the defendant. Accordingly, I hold Point No.1 in the **Negative.**

12. Point No.2:- On above made discussions on points No.1, this court proceeds to pass following:-

ORDER

**I.A.No.VIII filed by the defendant
under order U/order 7 Rule 11 of CPC is
hereby rejected on cost of Rs.500/-.**

(Dictated to the Stenographer directly on the computer, typed by her, corrected and then pronounced by me in open court, this the **19th** day of **February-2026**)

(DEVARAJU H.R.)
I Add.Sr.CJ and J.M.F.C.,
K.R.Pete.