

**IN THE COURT OF I ADDITIONAL SENIOR CIVIL JUDGE
AND JMFC, HUNSUR**

Dated this the 16th day of April 2026

**Presided Over by Smt. Bhagyamma
B.Com. L.L.B.,**

O.S. No.117/2016

PLAINTIFF : Smt. A.K. Geetha Kumari

DEFENDANTS : **//Vs//** Sri Kendagannegowda and others

PARTIES TO IA.NO.22

APPLICANT : S. Kumar @ Vinay Kumar Gowda
Defendant No.3

OPPONENT : **//Vs//** Smt. A.K. Geetha Kumari
Plaintiff

ORDERS ON IA-22

FILED U/O 7 RULE 11(a) R/W SEC.151 OF CPC

That after This application is filed by Defendant No.3 under Order VII Rule 11(a) read with Section 151 of CPC seeking rejection of the plaint on the ground that the plaint does not disclose any cause of action.

2. The Applicant/Defendant No.3 submits that the above suit is filed by the plaintiff seeking partition and separate possession of the suit schedule properties by falsely alleging that the same are joint family properties. The plaint does not disclose any valid or subsisting cause of action. The allegations made in the plaint are vague, bald, and not supported by any material particulars. The plaintiff has failed to plead or establish the existence of any joint family nucleus or that the suit properties were acquired out of joint family funds. The suit schedule properties are not joint family properties. Certain properties are self-acquired, and some have already been the subject matter of prior arrangements and partition. The plaintiff has deliberately suppressed material facts relating to prior partition and separate possession of the parties. The plaint is cleverly drafted to create an illusion of cause of action, whereas in reality, no such cause exists. The continuation of the present suit would amount to abuse of process of Court and cause unnecessary hardship to the defendant. Hence, the plaint is liable to be rejected under Order VII Rule 11(a) R/w Sec.151 of CPC. Wherefore, the Applicant prays that this Hon'ble Court be pleased to reject the plaint in the interest of justice and equity.

3. The Plaintiff submits that the application filed by the defendant-3 is not maintainable either in law or on facts and is liable to be dismissed. The plaint clearly discloses a valid cause of action. The plaintiff has specifically pleaded that the suit

properties are joint family properties, the plaintiff is entitled to a share. The defendants have denied such right. These averments constitute a complete and valid cause of action for filing the present suit. The contentions raised by the defendant regarding oral partition, self-acquisition and prior arrangements, but the said contentions of defence cannot be considered while deciding an application under Order VII Rule 11 CPC. That only the plaintiff's averments are to be looked into and not the defence taken by the defendant while considering the application. The present application has been filed at a highly belated stage, after completion of evidence and when the matter is posted for arguments, which clearly shows lack of bona fides. The application is intended only to delay the proceedings and prolong the litigation. Hence, the application deserves to be dismissed. Wherefore, the Plaintiff prays that the I.A. be dismissed with costs.

4. Heard the learned counsel for defendant no.1 and the plaintiffs, perused the records.

5. Now the point that would arise for consideration of the court is:

Whether the defendant No.3 has made out grounds to reject the plaint as contended in IA?

6. Findings of this court on the above point in the **Negative** for the following:

R E A S O N S

7. This application is filed by Defendant No.3 under Order VII Rule 11(a) read with Section 151 CPC seeking rejection of the plaint on the ground that the plaint does not disclose any cause of action. The contention of the applicant is that the suit is false, frivolous, and does not disclose any cause of action, and that the properties are not joint family properties. It is further contended that there was prior partition and that some properties are self-acquired. Per contra, the plaintiff contends that the plaint clearly discloses cause of action and that the application is belated and filed only to delay the proceedings.

8. At this stage it is very much necessary to go through the provisions of Order VII Rule 11(a) of the Code. According to this rule a plaint shall be rejected, where the suit appears from the averments in plaint to be shown no cause of action. At the outset, it is a settled principle of law that while considering an application under Order VII Rule 11 CPC, the Court must confine itself only to the averments made in the plaint, and the defence set up by the

defendants or the documents relied upon by them cannot be taken into consideration at this stage as per judgments of Hon'ble High Courts of Karnataka.

9. At the outset, it is necessary to note that the present suit has already undergone full trial. The parties have led evidence—PW-1 to PW-3 on behalf of the plaintiff and DW-1 to DW-4 on behalf of the defendant—and have produced documents marked as Ex.P1 to Ex.P33 and Ex.D1 to Ex.D16. The matter is now posted for final arguments. It is settled law that an application under Order VII Rule 11 CPC can be filed at any stage. However, when such an application is filed after completion of evidence, the Court must examine whether the grounds raised are purely legal or involve disputed questions of fact. On a meaningful reading of the plaint, it is clear that the plaintiff has pleaded that the suit schedule properties are joint family properties, that she is entitled to a share and that the defendants have denied her rights. These averments constitute a clear cause of action as I have already adverted. The grounds urged by the defendant—namely prior oral partition, self-acquisition, and absence of joint family nucleus—are all matters requiring appreciation of evidence. In fact, these issues have already been tried and are subject to adjudication on

merits. It is well settled that while deciding an application under Order VII Rule 11 CPC, the Court cannot look into the defence or weigh the evidence. The attempt of the defendant is to seek adjudication of disputed questions of fact under the guise of rejection of plaint, which is impermissible. Further, the timing of the application, i.e., after completion of trial and at the stage of arguments, indicates that the application is belated and lacks bona fides. Entertaining such an application at this stage would defeat the purpose of trial already conducted and lead to unnecessary delay.

10. Moreover, entertaining such an application at the stage when the matter is posted for arguments would amount to reopening the entire case and defeating the purpose of trial already conducted, thereby causing unnecessary delay in disposal of the suit. The defendant, having participated in the trial and led evidence, cannot now seek rejection of the plaint on grounds which were available at the initial stage. Therefore, this Court is of the considered opinion that the plaint discloses a cause of action and the issues raised require adjudication on merits. So, the application is devoid of merit. Accordingly, I.A. is liable to be dismissed reserving liberty to the defendants to

raise all permissible contentions in the written statement and during the course of trial. As such, at this juncture, no grounds are made out to reject the plaint as sought for. Consequently, the point for consideration is answered in the **Negative.**

11. In the result, I proceed to pass the following:

O R D E R

The I.A.No.XXII filed by the applicant/defendant No.3 U/O 7 Rule 11(a) R/w Sec.151 CPC is hereby rejected with cost of Rs.500/-.

Posted for arguments by 24.04.2026.

[Dictated to the Stenographer directly on computer, corrected and signed by me, then order pronounced in the Open Court, on this the **16th day of April, 2026**].

[Bhagyamma]

I Addil. Senior Civil Judge and JMFC,
Hunsur.