

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

Dated this the 27th day of February, 2026

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

O.S. No.397/2025

PLAINTIFF : Vishala

DEFENDANT : //Vs//
Apara Educational
Charitable Trust
Rep. By its Trustees

PARTIES TO IA.NO.IV

APPLICANT : Apara Educational
Charitable Trust
Rep. By its Trustees
Defendant

OPPONENT : //Vs//
Vishala
Plaintiff

ORDERS ON IA-IV

**FILED U/O 7 RULE 11(a), (b) and (c)
R/W SEC. 151 OF CPC**

That after filing of written statement by the defendants and at the stage of hearing on IA, the learned

counsel for defendant has filed the present Interlocutory Application under Order VII Rule 11(a), (b) and (c) read with Section 151 of the Code of Civil Procedure, seeking rejection of the plaint at the threshold. It is contended that the suit as instituted by the plaintiff is not maintainable either in law or on facts and that continuation of the proceedings would amount to abuse of the process of Court. The principal contention of the defendant is that the plaint does not disclose a valid or subsisting cause of action. According to the defendant, the pleadings in the plaint are artificial, illusory and cleverly drafted only to bring the suit within the jurisdiction of this Court. It is asserted that the plaintiff has suppressed material facts relating to earlier transactions and documents, which, if properly disclosed, would disentitle the plaintiff from any relief.

2. The defendant further contends that the suit schedule property is not properly described and that the plaintiff has no enforceable right, title or interest over the same as claimed. The cause of action pleaded, according to the defendant, is imaginary and does not arise from any legally enforceable relationship between the parties. It is further pleaded that the valuation of the suit is incorrect and arbitrary. The defendant asserts that the market value

of the suit schedule property is substantially higher than what is stated in the plaint and that the plaintiff has deliberately undervalued the suit in order to evade payment of proper court fee. On this ground, it is contended that the plaint is liable to be rejected under Order VII Rule 11(a), (b) and (c) CPC. In support of the application, the defendant has relied upon several documents, including registered documents, trust-related records, revenue documents, lease-related papers, correspondence and other materials, contending that these documents demonstrate the true nature of the transaction and negate the plaintiff's claims. On the basis of the above pleadings, the defendant prays that the plaint be rejected in limine in the interest of justice and equity, contending that no prejudice would be caused to the plaintiff as the suit itself is not maintainable. Therefore, the plaint is liable to be rejected at the threshold without going into trial.

3. Per contra, the learned counsel for plaintiff has filed objections contending that the I.A. filed by the defendants is false, misconceived, and not maintainable in law and the same deserves to be dismissed. The plaintiff has filed a detailed statement of objections, stoutly opposing the Interlocutory Application. At the outset, the plaintiff

contends that the application is wholly misconceived, frivolous and filed only with an intention to delay the progress of the suit. The plaintiff asserts that the plaint, when read as a whole and without addition or subtraction, clearly discloses a complete and valid cause of action. The relationship between the parties, the nature of possession, the termination of such relationship, and the subsequent illegal acts of the defendant are all specifically pleaded. Therefore, the contention that no cause of action exists is denied as false and incorrect.

4. It is specifically contended that the defendant under the guise of an application under Order VII Rule 11 CPC, is attempting to introduce its defence and disputed facts, which is impermissible in law. The plaintiff submits that at this stage, only the averments in the plaint are relevant and the defence version or rival documents cannot be looked into. With regard to valuation and court fee, the plaintiff states that the suit has been valued strictly in accordance with the provisions of the Karnataka Court Fees and Suits Valuation Act. The valuation slip and court fee paid have been properly appended to the plaint. The objection raised by the defendant involves factual adjudication and cannot be decided without evidence. The plaintiff further denies that the suit is barred by law. It is contended that no statutory bar is either pleaded or apparent from the plaint averments. The grounds urged by the defendant are based on

disputed facts, interpretation of documents, and alleged suppression, all of which require trial.

5. The plaintiff has also alleged that the defendant has not approached the Court with clean hands and has relied upon documents selectively, without admitting or proving the same in accordance with law. The genuineness, relevance, and legal effect of the documents relied upon by the defendant are specifically disputed. In support of the objections, the plaintiff has relied upon documents such as registered sale deeds, GPA, endorsements issued by statutory authorities, revenue records, notices, and other supporting materials, contending that these documents prima facie establish the plaintiff's right and possession and justify the institution of the suit. The plaintiff submits that the application under Order VII Rule 11 CPC is an abuse of process, as the issues raised therein are mixed questions of law and fact which can only be decided after full-fledged trial. Hence, the plaintiff prays for dismissal of the application with exemplary costs.

6. Heard the learned counsel for defendant and the plaintiff, perused the records.

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

Whether the defendant has made out grounds to reject the plaint as contended in IA?

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

R E A S O N S

9. After of filing the written statement, the defendant has filed this IA praying to reject the plaint as it is barred by limitation. So, the plaintiff has filed written objection and resisted the application. At this stage it is very much necessary to go through the provisions of Order VII Rule 11(a), (b) and (c) of the Code. According to this rule a plaint shall be rejected, where the suit appears from the statement in plaint to be barred by any law.

10. It is a settled law that at the stage of considering an application under Order VII Rule 11 CPC, this Court is required to confine itself strictly to the plaint averments and documents produced along with the plaint. The documents relied upon by the defendant, though voluminous, relate to their defence and version of facts and cannot be adjudicated or weighed at this preliminary stage. The documents produced by the plaintiff along with the plaint prima facie support the pleadings regarding the existence of a legal relationship, assertion of rights and alleged cause of action. Whether such documents ultimately prove the plaintiff's case is a matter for trial. The documents relied upon by the defendant raise serious disputes as to title, nature of

transaction, and possession, which cannot be resolved without recording evidence and cross-examination of witnesses.

11. The enlarged pleadings on both sides make it abundantly clear that the defendant is seeking adjudication of disputed questions of fact and rival claims under the guise of Order VII Rule 11 CPC. The pleadings and documents placed by the parties reveal triable issues requiring full consideration during trial. Therefore, the Interlocutory Application does not satisfy the strict parameters required for rejection of the plaint under Order VII Rule 11(a), (b) or (c) CPC. The test under Rule 11(a) is whether a meaningful reading of the plaint, taken as a whole, discloses a clear right to sue; if clever drafting has created an illusion of cause of action, the court may reject the plaint — but that power is to be exercised cautiously and only where the plaint is manifestly vexatious or meritless. The Supreme Court has repeatedly emphasised that the enquiry must be “meaningful and not merely formal”.

12. In the present plaint the plaintiff has pleaded the nature of the relationship between the parties, the dates and manner in which the alleged agreements/lease/sale transactions were executed, the alleged termination of tenancy/lease, the service of legal notice and the defendant’s alleged failure to vacate and alleged illegal constructions and arrears. Those averments, taken at their face value for the limited purpose of Rule 11, constitute

a bundle of facts which, if proved, would entitle the plaintiff to the reliefs claimed. The defence version even if supported by documents, cannot be used at this stage to displace the plaintiff averments. For these reasons the Court is not satisfied that the plaintiff is devoid of cause of action.

13. Order VII Rule 11(b)/(c) deals with undervaluation and insufficient stamping. Where the plaintiff itself shows undervaluation or inadequate stamping and the plaintiff, when given time, fails to rectify the defect, rejection is warranted. But unless the defect is apparent on the face of the plaintiff and not a matter of contested evidence concerning market value, the court should not reject the plaintiff at the threshold the question of market valuation normally requires evidence and cannot be decided on rival contentions at the IA stage.

14. The defendant has placed a number of documents in support of the IA. They raise serious disputes (title, nature of transaction, alleged admissions, revenue records and other materials). However, it is trite law that the court cannot weigh or adjudicate the defendant's documents or the merits of the controversy while deciding a Rule 11 application, the effect and admissibility of those documents can only be decided after evidence is recorded. Where documents relied upon by the plaintiff, prima facie support the averments in the plaintiff, the Court should ordinarily decline to reject the plaintiff. The plaintiff's

plaint averments are supported prima facie by documents filed along with the plaint. The rival documentary pleas raised by the defendant raise triable issues which require full trial.

15. The rejection of plaint is a drastic and exceptional remedy. If triable issues are raised by the pleadings and documents such that the controversy requires evidence and cross-examination, the Court must refuse to reject the plaint and proceed with trial. The present case, on a holistic reading of the plaint and accompanying documents, raises triable controversies. Accordingly, the IA is not sustainable. In the record before this Court, the plaintiff has pleaded the basis for valuation and has produced the valuation slip and court-fee receipt as per plaint documents. The defendant's challenge to valuation depends substantially on its own assessment of market value and on documents which are part of its defence. Such rival factual controversy cannot be the basis for rejection under Rule 11(b)/(c) unless undervaluation or insufficiency of stamp is self-evident on the face of the plaint, which is not the case here. Accordingly, I.A. is liable to be dismissed reserving liberty to the defendants to raise all permissible contentions during the course of trial. As such, at this juncture, no grounds are made out to reject the plaint as sought in I.A. **Hence, the above point is answered in the NEGATIVE.** Consequently, this court proceeds to pass the following:

ORDER

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

Further hearing on IA No.5 by 07.03.2026.

[Dictated to the Stenographer directly on computer, corrected and signed by me, then order pronounced in the Open Court, on this the **27th day of February, 2026**].

[Bhagyamma]

I Addil. Senior Civil Judge and JMFC,
Hunsur.