

KAMS310013942023



IN THE COURT OF I ADDL. CIVIL JUDGE & JMFC.,

HUNSUR

:PRESENT:

**SMT. NAMRATA S HOSMATH, B.A., LL.B.,
I ADDL. CIVIL JUDGE & JMFC,
HUNSUR.**

DATED THIS THE 02ND DAY OF APRIL, 2026

O.S.No.331/2023

<u>PLAINTIFF:</u>		Srinivasanayaka S/o Late. Venkatanayaka, Aged about 44 years. R/at Hanchya Village, Kasaba Hobli, Mysuru Taluk Mysuru District.
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(Rep., by Sri. M.R.S., Advocate)

// Vs //

<u>DEFENDANTS:</u>	1.	Ramachandraraje Urs S/o Putta Swamyraje Urs, Aged about 70 years.
	2.	Kiran Kumar S/o Ramachandraraje Urs, Aged about 45 years, petitioner No.1 and 2 are R/at R/at Hanchya Village, Kasaba Hobli,

		Mysuru Taluk Mysuru District.
	3.	Panchayath Development Officers Govindanahalli Gram Panchayath Kasaba Hobli, Hunsur Taluk, Mysuru District.

**(Def. No.1 and 2 by Sri. A.R.K., Advocate)
(Defendant No.3 - Exparte)**

PARTIES TO I.A. NO.II

APPLICANT	:	Ramachandreraje Urs defendant No.1
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V/s

OPPONENT	:	Srinivasa Nayaka plaintiff
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i	Provision under which the application is filed	U/o VII Rule 11(d) R/w 151 of CPC.,
ii	Relief Sought for	Rejection of plaint
iii	The date on which the application is filed	11.012024
iv	Number of the application	II
v	The date on which the objection is filed by opponent	23.02.2024
vi	The date on which the order was passed on the said application	02.04.2026

ORDERS ON I.A. NO.II

Defendant No.1 and 2/Applicants have filed the present interlocutory application, numbered I.A. No. II, under Order VII, Rule 11(d) R/w 151 of the Code of Civil Procedure, seeking rejection of the plaint on the ground that the suit is barred under law.

2. In the affidavit filed in support of the application, the applicants have contended that, the plaintiff has instituted a suit against the defendants seeking for the relief of permanent injunction. It is contended that, in the prayer column of the plaint the plaintiff has sought relief against the defendant No.3 directing to not register khata of the property to the name of defendant No.1. It is stated that, the plaintiff has cleverly drafted the plaint and has suppressed the facts as to why the defendant No.3 is arrayed as party to the suit. The applicants have further denied the plaint averment and have raised certain contentions. It is alleged that, the plaintiff has not approached the court with clean hands and has not sufficiently paid the court fee.

3. The applicants further submit that, no prejudice would be caused to the plaintiff if the application is allowed, whereas the applicants would suffer grave injustice if the application is dismissed. Accordingly, the applicants pray for rejection of the plaint.

4. The plaintiff has filed objection to the application denying all the averments made in the application. It is contended that, the contentions raised in the application has to be decided by way of trial and subject to out come of the suit. It is further contented that, the applicants have not clearly stated under what grounds the present application is filed. It is alleged that, the present application is not maintainable and devoid of merits. Accordingly, prays to dismiss the application.

5. Perused the materials available on record.

6. The points that arise for consideration of this Court are:-

1) **Whether the plaint is liable to be rejected under Order VII Rule 11(d) of CPC?**

2) **What order?**

7. My findings on the above points are as under:-

Point No.1 : In the Negative

**Point No.2 : As per final order
for the following**

REASONS

8. **POINT NO.1:-** The plaintiff has instituted the suit seeking relief of permanent injunction. The present application

has been filed by applicants when the matter was posted for filing written statement.

9. At this juncture, it is pertinent to note that, for invoking the provisions of Order VII, Rule 11 of the CPC, the Court is required to examine only the averments made in the plaint. The defence raised by the defendants, whether in the written statement or otherwise, is irrelevant for this purpose. The Court must presume the facts stated in the plaint to be true and determine whether the suit is barred by any law on the face of the plaint itself.

10. In the instant case, upon perusal of the plaint averments it does not disclose that the present suit is barred under any law. Further, the applicants have not clearly stated under which law the present suit is barred. The contentions raised by applicants requires trial and it cannot be adjudicated at this stage. As already stated in deciding the present application only the plaint averments has to be looked into, in the instant case upon perusal of the plaint averments it does not disclose the fact that suit is barred under any law.

11. The allegations made in the plaint, taken as a whole and at face value, do not indicate that the suit is barred by any law. It is settled that if, on the face of the plaint, it is shown that the suit is barred by any provision of law, an application under Order VII, Rule 11 CPC can be entertained.

12. If the statements made in the plaint, without any ambiguity or dispute, show that the suit is barred by any law in force, the provisions of Order VII, Rule 11(d) CPC may be invoked. However, such a conclusion must arise solely from the averments in the plaint. For this purpose, there can be no addition to or subtraction from the contents of the plaint, nor can the defence be considered. In all other situations, such claims must necessarily be adjudicated during the course of a trial.

13. For the aforementioned reasons, the plaint cannot be rejected on the ground that suit is barred by law based solely on the averments contained therein. Accordingly, ***Point No. 1 is answered in the Negative.***

14. **Point No.2:** In view of the foregoing discussions and findings on point No.1, this court proceeds to pass the following;

ORDER

The application in I.A.No. II filed by the applicants under Order VII Rule 11(d) R/w 151 of CPC., is hereby dismissed.

(Dictated to the Stenographer Grade-III, directly on computer, typed by her, corrected, signed and then pronounced by me in the open Court on this the 02nd day of April, 2026)

(NAMRATA S HOSMATH)
I Addl. Civil Judge & JMFC.,
Hunsur