



**IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC
AT K.R.NAGAR**

PRESENT: Sri. Aravindra B.C., *B.A., L.L.B.*,
Senior Civil Judge & JMFC,
K.R.Nagar.

Dated this the 25th day of February, 2026

O.S. No.15/2023

Plaintiff : Smt. Shivarudramma

-Vs-

Defendants : Smt. Sundramma & others

Parties to I.A.No.VIII

Applicant : Sri. C.V.Mahesha,
S/o Late Virupakshappa,
Aged about 51 years,
R/at: Channappana
Koppalu village,
Hebbalu Hobli,
K.R.Nagar Taluk,
Mysuru District.

**..... Defendant No.10
(By Sri. L.V.R., Adv.)**

-V/s-

Opponent : Smt. Shivarudramma,
W/o Late Basavanna,
Aged about 65 years,



R/at: Channappana
Koppalu village,
Hebbalu Hobli,
K.R.Nagar Taluk,
Mysuru District.

..... Plaintiff
(By Sri. K.S.D. Adv.)

Provision under which the application is filed	Under Order VII Rule 11(a) R/w Section 151 of CPC.
Relief Sought For	Seeking permission to reject the plaint
The date on which the application is filed	01.12.2025
Number of the application	IA No.VIII
The date on which the objections are filed by the different opponents	11.02.2026
The date on which the orders were passed on the said application	25.02.2026

ORDER ON IA.No.VIII

This is an IA Under Order VIII Rule 11(a) R/w Section 151 of Code of Civil Procedure filed by the defendant No.10 for reject of the plaint on the ground that the suit of



the plaintiff is not maintainable for want of cause of action.

2. In the supporting of affidavit which enclosed to IA No.VIII, the defendant No.10 has contended that, the plaintiff has filed a suit against the defendants for the relief of partition and separate possession with respect to the suit schedule properties. Further it is alleged that, the plaintiff has already taken her share through registered Will dated 21.03.1995 with respect to the land bearing Sy.No.21 of Adaganahalli village. Further, the plaintiff has not included said property in the schedule. Further, there is no cause of action to file the present suit. Hence, he prays for reject the plaint and allow the application.

3. On the other hand, the plaintiff has orally objected to the application filed by the defendant No.10 under order VII Rule 11(a) of Code of Civil Procedure, wherein,



she has stated that, the application filed by the defendant No.10 is not maintainable either in law or on facts. Accordingly, prays to reject the application.

4. Heard arguments on both side.

5. On the basis of the above pleadings, the following points arise for consideration of this court:

1. Whether the defendant No.10 has made out ground that, the plaint does not disclose cause of action ?

2. What order?

6. My findings on 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 plaintiff is that, she has filed this suit against the defendants for the relief



of partition and separate possession with respect to the suit schedule properties. On the other hand, the defendants have appeared before this court through their respective counsels and filed the written statement by denying the case of the plaintiff and contended that the plaintiff has already taken her share under registered Will dated 21.03.1995. On the basis of rival claimants of the parties, this court framed issues and posted for trial. The plaintiff's side evidence was commenced and posted for cross-examination of PW-1. At that time, the present application was filed by the defendant No.10 for rejection of the plaint on the ground that, for want of cause of action.

8. Before appreciating the rival contentions of the parties, this court glance the provision of Order VII Rule 11 of the C.P.C. which reads as under:-



11- Rejection of the 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 written 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 valuation or supplying the requisite stamp papers shall not be extended unless the court, for



the reasons to be recorded, is satisfied that the plaintiff was granted by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp papers as case may be, with in the time fix by the court and that refusal to extent such time cause grave in justice to the plaintiff).

9. It is clear from the above that, where the plaint does not disclose a cause of action, the relief claimed is undervalue and not corrected within the time allowed by the court, insufficiently stamped and not rectified within the time fixed by the court, barred by any law failed to enclose copies and the plaintiff fails to comply with the provisions of Rule 9, the court has no other option except to reject the same. A reading of the above provision also make clear that, order VII Rule 11 of CPC can be exercised at any stage of the suit either before registering the plaint or after issuance of summons to the defendant at any



time before the conclusion of the trial. The court while deciding in such any application must have due regard only to the statements in the plaint.

10. At this juncture this court relied upon the case law in ***Saleem Bhai Vs State of Maharashtra***, reported in ***(2003) 1 SCC 557*** wherein the Hon'ble Apex Court held at para 9 that, "A perusal of Order VII Rule 11 C.P.C. makes it clear that the relevant facts which need to be looked into for deciding an application thereunder are the averments in the plaint. The trial court can exercise the power under Order VII Rule 11 C.P.C. at any stage of the suit-before registering the plaint or after issuing summons to the defendant at any time before the conclusion of the trial. For the purposes of deciding an application under clauses (a) and (d) of Rule 11 of Order VII C.P.C. the averments in the plaint are germane; the



pleas taken by the defendant in the written statement would be wholly irrelevant at that stage”.

11. On perusal of the plaint it appears that, the suit filed by the plaintiff for the relief of partition and separate possession and the plaintiff has demanded to effect partition to the defendants. However, the defendants have denied the request of the plaintiff. Hence, denial of the request of the plaintiff is amount to cause of action.

12. It is law well settled that the court while considering the Order VII of Rule 11(a) CPC must give a meaningful reading to the plaint as to whether it is manifestly vexatious or meritless in the sense of not disclosing a clear right to sue. Under the said circumstances only the court can exercise his powers a plaint can be rejected only if it appears from the statement in the plaint to be barred by any law. Apart



from the averments made in the plaint, the court also can look into the documents filed with the plaint but nothing more. While considering the application filed U/o VII Rule 11 of CPC the court cannot consider the defence set-up by the defendants in their written statement, only to determine whether the plaint discloses any cause of action or not or whether the suit is barred by any other law. The court cannot look into the defence set-up by the defendants in the written statement of the application filed by the defendant. In the instant case, the plaintiff disclosing a clear right to sue that, she having share over the schedule properties.

13. The law has been settled by the Hon'ble Apex Court in various decisions that, while considering an application Under Order VII Rule 11 of the Code of Civil Procedure, the court has taken to examine the averments



in the plaint and the pleas taken by the defendants in their written statement would be irrelevant. Therefore, this court is of the opinion that, the plaint disclose the cause of action.

14. Further important aspect is to be noted that, the defendant No.10 is alone filed the present application. Now the question arisen before this court is that whether order VII Rule 11 of Code of Civil Procedure is permits partial rejection of a plaint? It law settled that a plaint as a whole can be rejected under order VII Rule 11 of CPC. Therefore, rejection of a plaint in part is not permissible in law. In view of judgment of the Hon'ble Supreme Court of India in the case of **Smt.Geetha Vs. Nanjundaswamy and Others** reported in **2023 SCC online SC 1407**. Hence, the present application filed by the defendant No.10 is not maintainable. Therefore, the



question of rejecting the plaint does not arise.

Accordingly, this court answered point No.1 is in the Negative.

15. **Point No.2**:- For the above said reasons, this court proceed to pass the following:

ORDER

The I.A.No.VIII filed by the defendant No.10 under Order VII Rule 11(a) R/w Section 151 of CPC is hereby rejected on cost of Rs.500/-.

*[Dictated to the Stenographer directly on computer, corrected and then pronounced by me in the Open Court on this the **25th day of February, 2026**]*

**(ARAVINDRA B.C.)
SENIOR CIVIL JUDGE & JMFC,
K.R.NAGAR.**