



**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 21st day of April, 2026

O.S. No.35/2024

Plaintiffs : Sri. K.M.Mahadeva & Another

-Vs-

Defendants : Smt. Yashodamma & others

Parties to I.A.No.II

Applicant : Smt. Yashodamma,
W/o Late Nagaraju,
Aged about 55 years,
R/at: 15th cross,
Basaveshwara Block,
K.R.Nagar Town.

**..... Defendant No.1
(By Sri. A.P.P., Adv.)**

-V/s-

Opponents : 1. Sri. K.M.Mahadeva,
S/o Late Maridevaru
@ Swamy @ Tailor Somanna,
Aged about 54 years.



2. Sri. K.M.Nagaraju,
S/o Late Maridevaru
@ Swamy @ Tailor Somanna,
Aged about 52 years.

Both are R/at:
Kadukothanahalli village,
Chikkarasanakere Hobli,
Madduru Taluk,
Mandya District.

**..... Plaintiffs
(By Sri. H.K.H., Adv.)**

Provision under which the application is filed	Under Order VII Rule 11(d) of CPC.
Relief Sought For	Seeking permission to reject the plaint
The date on which the application is filed	18.09.2024
Number of the application	IA No.II
The date on which the objections are filed by the different opponents	15.01.2025
The date on which the orders were passed on the said application	21.04.2026

ORDER ON IA.No.II

This is an IA Under Order 7 Rule 11(d) of Code of Civil Procedure filed by the defendant No.1 to reject the



plaint on the ground that, the suit of the plaintiffs is barred by limitation.

2. In the supporting of affidavit, the defendant No.1 has contended that, the plaintiffs have filed the suit against the defendants for the relief of partition and separate possession with respect to the suit schedule property. Further, stated that the plaintiffs have not filed suit within time and father of plaintiffs had executed exchange deed in favour of husband of defendant No.1 under exchange deed dated 12.04.1990. The said deed has not been questioned by the plaintiffs within stipulated time. Hence, he prays for reject the plaint and allow the application.

3. On the other hand, the plaintiffs have filed objection to the application filed by the defendant No.1 under order 7 Rule 11(d) of Code of Civil Procedure. Wherein, the plaintiffs have stated that, the application



filed by the defendant No.1 is not maintainable either in law or on facts. Further, stated that the plaintiffs have filed the suit for the relief of partition and separate possession with respect to the legitimate share as per the Will dated 16.05.1966. Further, the plaintiffs have denied the exchange deed as alleged by the defendants. Accordingly, the plaintiffs have prays for 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.1 has made out sufficient grounds to allow the application ?

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 :**

R E A S O N S

7. **Point No.1:-** It is the case of the plaintiffs is that, they have filed the suit against the defendants for the relief of partition and separate possession with respect to the suit schedule property. On the other hand, the defendants have appeared before this court and filed the present application for rejection of the plaint on the ground that, the suit of the plaintiffs is barred by limitation. Hence, the plaint may be reject under section 7 Rule 11(d) of Code of Civil Procedure.

8. Before appreciating the rival contentions of the parties, this court glance the provision of Order 7 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 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 makes clear that, order 7 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 defendants 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. On perusal of the plaint averments it is noticed that they have filed the suit for the relief of partition and separate possession with respect to the suit schedule property. On the other hand, the defendants have raised plea that the suit of the plaintiffs is barred by limitation for the reason that the plaintiffs have not filed a suit within the stipulated time. The father of plaintiff had executed the exchange deed dated 12.04.1990 in favour of husband of defendant No.3. Further, contended that after attaining the majority of plaintiffs, they have questioned the said deed within time.

11. On perusal of the pleadings of the plaint, it is nowhere stated that the father of plaintiffs have executed alleged exchange deed in favour of husband of defendant No.3. It is well settled that when the application under Order 7 Rule 11(d) has to be considered, the court has to be consider the only averments of the plaint. The



question o the considering the averments of the written statement does nor arise. Further, the defendants have raised plea for barred by limitation. The said plea has mixed question of law and fact. Therefore, the oral and documentary evidence of the parties are required to the consideration of the plea taken by the defendants.

12. Further, important note that the defendant No.1 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 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.1 is not



maintainable. Therefore, the question of rejecting the plaint in part does not arise. Therefore, the present application filed by the defendant No.1 is not maintainable. **Accordingly, this court answered point No.1 is in the Negative.**

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

ORDER

The I.A.No.II filed by the defendant No.1 under order 7 Rule 11(d) of CPC is hereby ***rejected***.

*[Dictated to the Stenographer directly on computer, corrected and then pronounced by me in the Open Court on this the **21st day of April, 2026**]*

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