

KAMS400007242019



**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 23rd day of January, 2026

O.S. No.28/2019

Plaintiffs : Smt. Gowramma & others

-Vs-

Defendants : Smt. U.P.Geetha & another

Parties to I.A.No.XIV

Applicant : Smt. U.P.Geetha,
W/o Late C.V.Shivappa,
@ Subhash,
Aged about 40 years,
R/at: Chandagalu village,
Hebbalu Hobli,
K.R.Nagar Taluk,
Mysuru District.

**..... 1st Defendant
(By Sri. L.V.R. Adv.)**

-V/s-

Opponents : 1. Smt. Gowramma,
W/o Late Veerathaiah,
Aged about 70 years,



- R/at: Chandagalu village,
Hebbalu Hobli,
K.R.Nagar Taluk,
Mysuru District.
2. Smt. Mani,
D/o Late Veerathaiah,
W/o Mahadev,
Aged about 48 years.
R/at: Vaddarahalli village,
Kasaba Hobli,
K.R.Nagar Taluk.
3. Smt. Baby,
D/o Late Veerathaiah,
W/o A.V.Prakash,
Aged about 44 years,
R/at: Anakanahalli village,
Chunchanakatte Hobli,
K.R.Nagar Taluk.
4. Smt. Annapoorna,
D/o Late Veerathaiah,
W/o Late Gyanaprakash,
Aged about 42 yeas,
R/at: 266/1, Lalithamahal
Nagara, Alanahalli Layout,
7th main road, Mysuru City.
5. Smt. C.V.Manjula,
D/o Late Veerathaiah,
W/o Late Shanthappa,
Aged about 40 years,
R/at: No.14, Rajkumar Road,
JSS Layout, 1st Block,
Mysuru City.

**..... Plaintiffs
(By Sri. G.L.D. Adv.)**



Provision under which the application is filed	Under Order 7 Rule 11(a) & (d) R/w Section 151 of CPC.
Relief Sought For	Seeking permission to reject the plaint
The date on which the application is filed	09.10.2025
Number of the application	IA No.XIV
The date on which the objections are filed by the different opponents	25.11.2025
The date on which the orders were passed on the said application	23.01.2026

ORDER ON IA.No.XIV

This is an IA Under Order 7 Rule 11(a) & (d) R/w Section 151 of Code of Civil Procedure filed by the defendant No.1 for reject of the plaint on the ground that the suit of the plaintiff is not maintainable for want of cause of action and for partial partition is not maintainable.



2. In the supporting of affidavit which enclosed to IA No.XIV, the defendant No.1 has contended that, the plaintiffs have filed 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 not included all the joint family properties and there is no cause of action to file the suit. 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, they have stated that, the application filed by the defendant No.1 is not maintainable either in law or on facts. The plaintiffs have submitted that, only to drag on the proceedings and to harass the plaintiffs, the defendant



No.1 has filed this application. 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.1 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 plaintiffs is that, they have filed this suit against the defendants for the relief of partition and separate possession. 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, for want of cause of action and the suit of the plaintiffs is not maintainable for partial partition.

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 barred by any
law;***

(e) Where is not filed in duplicate

***(f) Where the plaintiff fails to comply
with the provisions of rule 9***

***(Provided that the time fix by the court
for the correction of valuation or
supplying the requisite stamp papers
shall not be extend 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 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 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. In the present case on hand, the defendant No.1 taken contention in the application that there is no cause of action to file the present suit. At this stage, this court perused the averments of the plaint. Wherein, the plaintiffs have clearly stated that the plaintiffs have



requested the defendants to effect partition of their legitimate share over the suit schedule properties and on the other hand, the defendants have refused to allot the share of the plaintiffs. The plaint itself disclosed the cause of action.

11. Further the defendant has taken contention that the plaintiffs have not included all the family properties. Hence, the suit of the plaintiffs is not maintainable for partial partition. The said issue will be considered only after the conclusion of the trial.

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. 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.XIV filed by the defendant No.1 under order 7 Rule 11(a) & (d) R/w Section 151 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 23rd day of January, 2026]

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