

KAMS410003182023



IN THE COURT OF PRINCIPAL CIVIL JUDGE & JMFC.,
KRISHNARAJANAGAR

PRESENT

Sri. Chandan S, B.Com., LL.B

Prl. Civil Judge & JMFC, Krishnarajanagara.

DATED 03RD DAY OF NOVEMBER 2025

O.S. No.103/2023

Plaintiff : Sri. Ramappa S/o Late. Kariyaiah,
Aged about 52 years,
R/at Husuru Kalla Halli Village,
K.R.Nagar Taluk, Mysuru District.

(Rep. By Sri. M.S.V., Advocate)

- V/s -

Defendant:

1. The Principle Secretary
M.S.Building, 3rd Floor,
3rd Gate, Ambedkar Veedhi,
Bengaluru Karnataka – 560001.
2. The Chief Executive Officer,
Zilla Panchayath,
Mysuru – 570004.
3. The Executive Officer,
Grama Panchayathi,
K.R.Nagar Taluk, Mysuru District.
4. The Panchayath Development Officer,
Kaggere Grama Panchayathi,
K.R.Nagar Taluk, Mysuru District.

(D1 A.G.P.,)

(D2 to D4 Rep. By Sri. T.G., Advocate)

ORDERS ON PRELIMINARY ISSUE NO.4

This Court has framed issue No.3 on 18.08.2025 and treated the Issue No.3 as Preliminary Issue. Issue No.3 is as under;

- 1.** Whether the suit is not maintainable for want of proper cause of action as contended in the para No.9 of the written statement?
- 2.** This is the suit filed by the plaintiff for the relief of permanent injunction. According to the plaintiff, the plaintiff is the legal heir after the death of his father. The said deceased father of the plaintiff was the owner of the plaint schedule property and he was enjoying and settled with the property without any interruptions or obstructions from anybody till his lifetime. After his demise, the plaintiff being the legal heir of his deceased father, he has succeeded the property of the deceased father and he has been in lawful possession and enjoyment over the said property. Further, he has obtained form No.9 and 11A documents from the concerned authority and he is incurring and bearing the expenses of the tax and he is paying revenue to the Government regularly.
- 3.** Further it has been deployed and submitted in the plaint that, the villagers of the Hosuru Kaggere Grama Panchayath, write upon the complaint against the plaintiff herein. Therefore, the 4th defendant got issued notices seeking to produce the documents pertaining to the schedule property. The plaintiff has complied and furnished all the relevant

documents which were asked for by the defendant No.4. However, the 4th defendant under the influence of the villagers, he has taken to issue notices continuously and he is distressing and causing interference in respect of the plaintiff's possession over the schedule property. The 4th defendant issued notices restricting the enjoyment of the plaintiff's over the schedule property. Hence, the plaintiff is before this court presenting the suit.

4. However upon service of summons, the defendants while representing the suit, appearing before this court through their counsel, defendant No.2 to 4 have presented their written statement, wherein in the said statement of defence, it reveals that, the schedule property being the property of the Village Panchayath and it is left for the benefit and usage of the entire netizens and public of the village of the Kallahalli. However, the plaintiff herein has taken illegal and unlawful possession of the schedule property and the villagers and the public of the said Kallahalli Village, registered petition to initiate action against the plaintiff herein. Therefore, the notice is caused to be issued in favour of the plaintiff seeking for the production of the original documents. However, the plaintiff failed to furnish or to submit any original documents pertaining to the schedule property. The suit has been filed unlawfully by illegally trespassing into the property of the village panchayath. Further the defendant vehemently and they have

taken zippy and specific contention and defence in the paragraph No.9 of the written statement that, the suit is not maintainable for want of proper cause of action and the said suit is divide of cause of action and it is false frivolous, vexatious and untenable. Hence, prays for dismissal of the suit.

5. Heard both sides, perused the documents available on record.

6. The points that would arise for consideration of the Court is:

1. Whether the suit is not maintainable for want of proper cause of action as contended in the para No.9 of the written statement?

7. Findings to the above point is as under:

Point No. 1 : Negative for the following:

REASONS

8. POINT NO.1:

On verifying referring, analyzing and noticing the pleadings, contemplated over the plaint and the written statement, the question that arises for consideration as a preliminary issue is whether the suit is maintainable in law in view of the objection raised by the defendants regarding absence of a cause of action.

9. The law is well settled that for the purpose of examining maintainability on the ground of want of cause of action, the Court must confine itself to the plaint averments alone. The truth or correctness of those pleadings cannot be tested at this stage. Further, if on a meaningful reading of the plaint it discloses a cause of action, the plaint cannot be rejected under Order VII Rule 11 CPC. Similarly, the existence of the cause of action must be gathered from the plaint as a whole.

10. On perusal of the plaint, this Court finds that the plaintiff has pleaded title derived by virtue of the succession and inheritance from his deceased father and after the death of his father, the mutation of his name in the revenue records, payment of land revenue, and interference alleged by the defendants 15.11.2022, 29.11.2022 and 16.01.2023. These averments clearly disclose a cause of action for filing the suit for injunction. Whether such averments are true or whether the plaintiff can ultimately prove them is a matter for trial and evidence, and not for decision at the preliminary stage.

11. Further the concept of cause of action introduced in Section 20 of the C.P.C. a cause of action is a legal claim that allow a legal party to seek judicial relief from another party. It is the factual consideration that led to a dispute between the parties. Further, the cause of action is a defence and the basis for the plaintiff to claim certain pleadings and it is the

burden again to prove the said pleadings and also the averments affirming in his statement. In the present case on hand, the plaintiff has taken specific plea that, he is the owner of the schedule property and the defendant without having any manner of right, title, possession and interest over the schedule property they are causing heavy hindrance, obstructions and interference in respect of the settled possession and enjoyment of the plaintiff over the schedule property. Hence it is according to the plaintiff, the cause of action to launch the suit is arose on 15.11.2022, 29.11.2022 and 16.01.2023.

12. Further, a cause of action is a set of fact that, gives raise for a legal claim or right to sue. As such the said cause to launch this suit is only to set up action and also the consideration under which leads the plaintiff to approach the court. However, again it is for the plaintiff alone or the person who approaches this court to produce and to lead all sort of evidence in support of the said pleadings and cause of action.

13. Hence, this court is of the opinion that, there is a cause of action which is clearly coated and averred in the pleadings of the plaint it is clear from the very bare, nobbut and plain reading of the plaint and in respect of the remaining averments as discussed above are to be dealt in detail during the course of trial. Hence, the additional issue framed by this

court is answered in the **Negative** and court proceeds to pass the following:

ORDER

Issue No.3 is answered in the Negative.

Accordingly, the suit is maintainable.

(Dictated to the Stenographer transcribed by her, revised, corrected, signed and then pronounced by me in the open Court on this the 03rd day of November 2025)

(Chandan.S)
Prl. Civil Judge and JMFC,
K.R.Nagara.