



**IN THE COURT OF THE HONOURABLE I ADDITIONAL CIVIL
JUDGE & JMFC, AT KRISHNARAJANAGAR.**

PRESENT: SMT.ASRINA.,B.A, LLB.
I ADDL. CIVIL JUDGE AND JMFC, KRISHNARAJANAGAR.

DATED THIS 13TH DAY OF MARCH, 2026
O.S.No.226/2024

BETWEEN

PLAINTIFF	Shri.Jagadish S/o Karigowda Aged 60 years. R/at:Dammanahalli village, Chunchanakatte Hobli, Saligrama Taluk. R/by his GPA Holder: Shri.Lokesh D.N, S/o Nagaraju D.K Aged 37 years. R/at:Dammanahalli village, Chunchanakatte Hobli, Saligrama Taluk. (By Shri.K.B.G. Advocate)
DEFENDANTS	1. Shri.Basavaraju D.K S/o Late.Karigowda, Aged 56 years. 2. Shri.Puttaraju D.K S/o Late.Karigowda, Aged 60 years. R/at:Both are Dammanahalli village, Chunchanakatte Hobli, Saligrama Taluk.

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	3. Smt.Bhagyamma, W/o Late.Jayadeva, D/o Ningegowda, Aged 50 years, R/at: Karthalu Village, Chunchanakatte Hobli, Saligrama Taluk, Mysuru District. (By Sri.P.N Adv)
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IA NO.5**BETWEEN**

APPLICANT/ DEFENDANTS	Shri.Basavaraju D.K & others
OPPONENT/ PLAINTIFF	Shri.Lokesh

Provision of law	Order 7 Rule 11(d) of CPC.
Relief sought in the application	For rejection of plaint.
Date of filing the application	06/03/2026.
Date of filing the objection to the application	10/03/2026
Date of order	13/03/2026.

(SMT.ASRINA)
I ADDL. CIVIL JUDGE & JMFC.,
KRISHNARAJANAGAR.

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**ORDERS ON IA.NO.5 FILED BY THE DEFENDANTS UNDER
ORDER 7 RULE 11(D) OF CPC**

1. Plaintiff has filed the present suit for the relief of perpetual injunction as against the defendants.

2. When the above case was at the stage of defendants side evidence, the defendants have filed the instant application praying to reject the plaint.

3. In the affidavit accompanying the IA.No.5 it is averred that the plaintiff has filed the present suit for the relief of perpetual injunction as against the defendants. It is averred that the plaintiff and the defendants are real brothers in relation and the defendants are residing adjacent to the suit property. It is averred that the present suit is a false suit filed by the plaintiff against the defendants. It is averred that the defendants have provided education to the plaintiff and sent the plaintiff them to the foreign country for which the defendants have spent a sum of Rs.9,00,000/-. It is averred that now the plaintiff is well settled and therefore, the plaintiff is under the obligation to repay the said sum of Rs.9,00,000/- which the defendant have spent towards the education and avocation of the plaintiff. It is averred that when the defendants went to the suit property so as to request the plaintiff to return their Rs.9,00,000/-, the plaintiff has filed this suit with an intention to evade his liability of repaying the said sum of Rs.9,00,000/- to the defendants. It is averred that

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the plaintiff is a owner of the suit property. It is averred that earlier the plaintiff had given GPA to the defendant No.1 in respect of the suit property. But now Mr.Lokesh has obtained the GPA from the plaintiff and without the knowledge of the plaintiff, the said GPA holder namely Mr.Lokesh has filed this false suit. Hence, on the above grounds the defendants have prayed to reject the plaint by allowing the application.

4. The plaintiff has seriously opposed the application by filing his objections. The plaintiff has resisted the application by contending that the application filed by the defendants is not maintainable either under the law or on facts. The contents of the affidavit accompanying the application are false, irrelevant and baseless. It is contended that absolutely no grounds are made out by the defendants to consider the application. Therefore, the plaintiff has expressed his strong objections to reject the plaint. Hence with the above contentions the plaintiff has sought for dismissal of the application.

5. Heard arguments from both the side. Perused the records. After going through the application along with affidavit, objection statement and the relevant documents placed on record, the following points arises for my consideration:

Point No.1: Whether the defendants have made out any grounds for rejection of plaint and the plaint is liable to be rejected?

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Point No.2: What order?

6. My answers to the above points are as hereunder:

Point No.1: In the Negative.

Point No.2: As per the final orders for the following:

REASONS

7. POINT NO.1: Plaintiffs have filed the present suit for the relief of perpetual injunction as against the defendants.

8. The first ground on which the defendants have sought for the rejection of the plaint is that since the plaintiff owes a sum of Rs.9,00,000/- to the defendants, the defendants had been to the suit properties to request the plaintiff to repay the said sum of Rs.9,00,000/- to them, for which the plaintiff has filed this false suit against them. The second ground on which the defendants have sought for rejection of plaint is that the plaintiff has not given GPA to the Pw.1 Mr.Lokesh and said Mr.Lokesh has filed this false suit without the knowledge of the plaintiff. Hence, since according to the defendants, the present suit is a false suit, the defendants have sought for rejection of plaint.

9. It is significant to note here that the above two points raised by the defendants seeking for rejection of plaint cannot be a ground to reject the plaint under Order 7 Rule 11 of CPC. As contended by the defendants, if at all the present suit is a false suit, then the same has to be established by the defendants on merits. Just because the defendants asserts that the present suit is a false

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suit, the court cannot reject the plaint solely based on the assertions made by the defendants in their written statement as well as in the present application. The contentions raised by the defendants in the present application is nothing but a verbatim reproduction of the defence taken up by the defendants in their written statement. Therefore, the same has to be established by the defendants on merits. Therefore, I conclude that the defendants have not made any grounds to reject the plaint as contemplated under Order 7 rule 11 of C.P.C.

10. It is a settled preposition of law that in order to decide the application for rejection of plaint the court has to only look into the plaint averments and the averments made by the defendants in their written statement and the averments made by the defendants in the application for rejection of plaint is wholly irrelevant. This view of this court receives support from the decision of the Hon'ble Apex Court reported in **(2004) 3 SCC 137 in the case of Sopan Sukhdeo Sable Vs. Charity Commissioner and another decision reported in (2016)14 SCC 275 in the case of R.K.Roja Vs. U.S.Rayudu and another.** I have carefully gone through the averments made in the plaint and also the documents relied on by the plaintiff. The plaint averments as well as the documents relied on by the plaintiff does not makes out any ground for rejection of plaint as mentioned in Order 7 rule 11(a) to (d) of C.P.C. Therefore, in view of the same, the contention taken by the defendants in their written statement and in the I.A.No.5 cannot be considered. Therefore, such being the case this

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court cannot reject the plaint by solely relying on the assertion made by the defendants in the instant application. No grounds are made out by the defendants to reject the plaint. I do not find any merits in the application. The present application being devoid of merits, the same fails and the same has to be dismissed by the imposing costs. Accordingly, for what has been discussed above **I answer point No.1 in the Negative.**

11. POINT NO.2: In view of my foregoing discussions on point No.1, I proceed to pass the following:

ORDER

IA.No.5 filed by the defendants Under Order 7
rule 11(d) of CPC is hereby dismissed with costs
of Rs.500/-.

(Dictated to the Typist directly on computer, typed by her, and the transcript revised and corrected by me and then pronounced in the open court on this **13th day of March-2026**).

(SMT. ASRINA)
I ADDL. CIVIL JUDGE & JMFC.,
KRISHNARAJANAGAR.