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

PRESENT

Sri. Chandan S, B.Com., LL.B
Prl. Civil Judge & JMFC, Krishnarajanagara.

Dated 02nd day of June 2026

O.S./313/2019

Plaintiff : **Nagaiah**

-V/s-

Defendant : **Ramaiah and others**

I.A. No.8

Applicant : **Panchayath Development Officer,**
Siddapura Grama Panchayath

--- 5th Defendant

-V/s-

Opponent : **Nagaiah**

--- Plaintiff

Provision under which the applications are filed	U/o 7 R-11(d) of C.P.C.
Relief sought for	Rejection of Complaint
The date on which the applications are filed	09.04.2025
Number of the application	8
Date on which the objections are filed by the different opponents	16.11.2025
Date on which the order is passed	02.06.2026

ORDER ON I.A. NO.8 FILED U/O 7 R-11(d) OF C.P.C.

The present application under Order 7 Rule 11(d) of C.P.C. is filed by the applicant/5th defendant seeking rejection of the plaint filed by the plaintiffs.

2. The applicant has contended in the affidavit filed in support of the application that the suit instituted by the plaintiffs for the relief of declaration and permanent injunction is not maintainable either in law or on facts. It is the specific contention of the applicant that, though the plaintiffs are claiming declaration in respect of property bearing Sy.No.67/2, they have failed to produce any valid documents establishing the genealogy and relationship between the parties. According to the applicant, no proper genealogical tree or supporting records have been produced to demonstrate the lineage and entitlement claimed by the plaintiffs.

3. Further, it is contended that, though the plaintiffs seek declaration of title over the suit schedule property, they have not produced any title deeds, revenue records, grant documents, or other instruments of title on the basis of which such declaration is sought. Hence, according to the applicant, the plaint itself does not disclose a valid cause of action.

4. It is further averred that land bearing Sy.No.67/1 measuring 3 acres has already been converted for non-agricultural residential purposes and after such conversion, 57 residential sites were formed therein. According to the applicant, all the said sites have

already been allotted, distributed, and conveyed in favour of several persons who are in possession and enjoyment of their respective portions. Therefore, it is contended that any adjudication in respect of the said property in the absence of such persons would materially affect their rights and interests.

5. The applicant has further contended that, the plaintiffs have failed to implead all necessary and proper parties, including the purchasers, allottees, stakeholders, and concerned governmental authorities. Hence, according to the applicant, the suit suffers from non-joinder of necessary parties and is therefore liable to be rejected. It is also contended that, no statutory notice as contemplated under the provisions of the Karnataka Panchayat Raj Act, 1993 has been issued prior to institution of the suit. On that ground also, the applicant submits that the suit is barred by law and liable to be dismissed.

6. Further, the applicant contends that, the suit has been instituted beyond the prescribed period of limitation and is therefore barred under the Limitation Act. Accordingly, invoking the provisions of Order 7 Rule 11(d) of CPC, the applicant seeks rejection of the plaint on the ground that the suit appears from the statements in the plaint itself to be barred by law. Hence, for all the aforesaid reasons, the applicant prays that the plaint filed by the plaintiffs be rejected with costs in the interest of justice and equity.

7. However, the said application has been seriously contested and opposed by the plaintiffs by filing their detailed statement of objections. The plaintiffs have specifically denied, disputed, and repudiated all the averments, allegations, and contentions urged by the applicant/5th defendant in the application filed under Order 7 Rule 11(d) of CPC.

8. According to the plaintiffs, the suit schedule properties originally belonged to one Puriyaiah, who is stated to be the great-grandfather of plaintiff No.1 and also the grandfather of defendant Nos.1 and 2. It is contended that the said Puriyaiah was the absolute owner and in lawful possession and enjoyment of the suit properties during his lifetime. After his demise, the plaintiffs along with defendant Nos.1 and 2, being his lawful successors and legal heirs, succeeded to the estate and continued in joint possession, enjoyment, and custodial ownership over the said properties.

9. The plaintiffs further contend that, the suit schedule properties are ancestral and joint family properties of the plaintiffs and defendant Nos.1 and 2. Therefore according to them, they possess subsisting legal right, title and interest over the suit properties and are legally entitled to seek the relief of declaration and consequential injunction before this Court.

10. It is further contended by the plaintiffs that, the allegations made by the applicant regarding formation of 57 sites are false, misleading, and contrary to facts. According to the plaintiffs, the transaction alleged to have taken place on 19.10.2004 is itself not

valid or legally enforceable. It is their specific contention that the vendor through whom the Government is alleged to have acquired or purchased the property had no valid title, right, or authority to convey the same. Therefore, according to the plaintiffs, the very transaction dated 19.10.2004 is illegal, void ab initio, unenforceable, and not binding upon the rights of the plaintiffs and defendant Nos.1 and 2.

11. The plaintiffs further contend that, though the property is alleged to have been converted for non-agricultural residential purpose and though 57 sites are said to have been formed and allotted, such allotments do not confer any lawful title upon the alleged purchasers or allottees, since the root transaction itself is under serious challenge. According to the plaintiffs, the alleged site holders derive no independent or valid title over the suit properties.

12. Therefore it is contended that, at this preliminary stage, it cannot be held that the suit is bad for non-joinder of necessary parties. The plaintiffs further submit that the questions regarding title, legality of the transaction dated 19.10.2004, validity of conversion, formation of sites, and rights of the alleged purchasers are all mixed questions of law and fact, which require full-fledged trial and appreciation of evidence.

13. The plaintiffs further submit that, while deciding an application under Order 7 Rule 11 of CPC, the Court is only required to examine the averments made in the plaint and not the

defence set up by the defendants. According to them, the plaint clearly discloses a cause of action and raises triable issues requiring adjudication by this Court. Hence, the plaintiffs contend that if the application filed by the applicant/5th defendant is allowed at this stage, grave hardship, irreparable injury, and miscarriage of justice would be caused to them. Accordingly, they pray for dismissal of the application with costs in the interest of justice and equity.

14. Heard the learned counsel for the applicant/5th defendant and the learned counsel for the plaintiff. Perused the records, pleadings and materials placed on record.

15. The following points that would arise for this court's consideration.

1) Whether the applicant/5th defendant has made out sufficient grounds to allow the present application?

2) What order?

16. This court findings on the above points for consideration are as under:

Point No.1 : **In the Negative.**

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

REASONS

17. POINT NO.1:

At the outset, it is necessary to observe that the scope of enquiry under Order 7 Rule 11 CPC is extremely limited. While deciding an application for rejection of plaint, the Court is required

to confine itself only to the averments contained in the plaint and the documents produced along with the plaint. The defence raised by the defendants or disputed questions of fact cannot be adjudicated at this preliminary stage. The provisions of Order 7 Rule 11(d) CPC are attracted only when from the statements contained in the plaint itself, the suit appears to be barred by any law. Unless such bar is apparent on the face of the plaint, the drastic power of rejection of plaint cannot be exercised.

18. In the present case, the plaint discloses that the plaintiffs are claiming right, title, and interest over the suit schedule properties on the basis that the same are ancestral and joint family properties descending from one Puriyaiah. The plaint further contains assertions regarding alleged illegal alienation and challenge to subsequent transactions. Therefore, at this stage, it cannot be said that the plaint does not disclose any cause of action.

19. The principal contention of the applicant that, the plaintiffs have not produced sufficient genealogical records, title documents, and revenue records pertains essentially to the merits of the claim and evidentiary insufficiency. Such matters cannot constitute grounds for rejection of plaint under Order VII Rule 11 CPC. Whether the plaintiffs ultimately succeed in establishing genealogy, title, succession, or possession are all matters requiring appreciation of oral and documentary evidence during trial.

20. Likewise, the contention regarding conversion of land, formation of 57 residential sites, and conveyance in favour of third parties are disputed questions raised by the defendants. The plaintiffs have specifically challenged the legality and validity of the root transaction itself. Therefore, the issues relating to legality of conversion, validity of alienation, rights of alleged site holders, and effect of subsequent conveyances are all mixed questions of law and fact which cannot be conclusively determined at this interlocutory stage without evidence.

21. The objection relating to non-joinder of parties also cannot be a ground for rejection of plaint under Order VII Rule 11(d) CPC. Non-joinder of necessary parties may, at best, require adjudication during the course of proceedings and appropriate steps may thereafter be taken in accordance with law. However, the same does not render the plaint liable to be rejected at the threshold. Similarly, the contention regarding absence of statutory notice under the Karnataka Panchayath Raj Act cannot be accepted at this stage as an absolute bar apparent from the plaint itself. Whether such notice was mandatory in the facts of the present case and whether any exemption applies are matters requiring adjudication upon pleadings and evidence.

22. So far as limitation is concerned, the plaint discloses challenge to alleged transactions and assertion of continuing rights over ancestral properties. The question whether the suit is barred by limitation depends upon several factual aspects including the nature of possession, date of knowledge, effect of

alleged transactions, and continuity of cause of action. Such questions cannot ordinarily be decided under Order VII Rule 11 CPC unless the bar is ex facie apparent from the plaint itself. In the present case, no such unequivocal bar is discernible from the plaint averments alone.

23. It is a settled principle of law that, where adjudication of the issues requires appreciation of evidence and determination of disputed questions of fact, rejection of plaint under Order 7 Rule 11 CPC is impermissible. Therefore, upon careful consideration of the pleadings and materials available on record, this Court is of the considered opinion that the plaint cannot be rejected at this preliminary stage. The plaint discloses triable issues requiring full-fledged adjudication after recording evidence. Accordingly, the application filed by the applicant/5th defendant under Order 7 Rule 11(d) of CPC deserves to be dismissed. Hence, this court without further discussion proceeds to answer **point No.1** in the **Negative**.

24. POINT NO.2:

In view of the above discussion and reasons mentioned therein this court proceeds to pass the following:

ORDER

The application filed by Defendant under Order 7 Rule 11(d) of the Code of Civil Procedure is hereby dismissed.

It is clarified that all contentions of both parties on merits are kept open, to be adjudicated during the course of trial.

No order as to costs.

[Dictated to the Steno, transcribed by her. Corrected and then pronounced by me in the Open Court on this the 02nd day of June 2026]

(Chandan S)
Prl. Civil Judge & JMFC.,
K.R.Nagar.