

KAMS710004932023



**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE &
J.M.F.C., AT: T.NARASIPURA**

Dated this the 24th day of October 2025

:PRESENT:

**SRI. SACHIN .H.R., B.A.,LL.B,
Prl.Civil Judge & J.M.F.C.,
T.Narasipura**

O.S.No:85/2023

Plaintiff/s:

Sr.R.Sammandan,

S/o Ramalingam,

Aged about 47 years,

R/ at Nrupatunga Colony,

T.Narasipura Town.

Presently R/ at:

C/o Harish Master,

Vidhyasagar, Side by KHB Colony,

T.Narasipura Town & Taluk,

Mysore District.

(By Sri.S.N.S., Advocate)

V/s

Defendant/s:

Sri. Puttaraju B.,

S/o Late Bannari,

Aged about 51 years,

R/ at House No.128,

Gopalapura, Baapujinagara,

*T.Narasipura Town & Taluk,
Mysore District.*

(By Sri.V.M.K., Advocate)

CAUSE TITLE ON I.A No.II

Applicant/s : *Puttaraju D. (Defendant)*

V/s

Opponent/s : *Sammandan (Plaintiff)*

ORDERS ON IA.III

The defendant has filed this I.A.No.II under Order 7 Rule 11(d) of CPC seeking for rejection of plaint in the interest of justice and equity.

2. *The defendant in the affidavit annexed to the application has stated that the plaintiff has filed this suit seeking for the recovery of Money. That the plaintiff's case is that the defendant had borrowed sum of Rs.4,00,000/- on 21.12.2020 and agreed to repay the same with interest at rate of 2 % P.M and had executed the On Demand Pronote to that effect and further the plaintiff has admitted that defendant has*

paid the interest till December 2021. Thus since then till the date of filing this suit on 17.04.2023, the defendant had to pay the interest for 16 months. That the interest payable on the said sum of Rs.4,00,000/- is Rs.8,000/- per month. Thus interest payable in respect to the said 16 months is sum of Rs.1,28,000/-. As such on calculating the principal amount and the interest of Rs.1,28,000/- so payable, the plaintiff is entitled for recovery of Rs.5,28,000/- as on the date of the filing of this suit. That the Pecuniary jurisdiction of this Court is upto sum of Rs.5,00,000/- and as the suit claim exceeds the pecuniary jurisdiction of this Court. Accordingly this Court has no pecuniary jurisdiction to try this suit. Hence, prayed to reject the plaint.

3. *The plaintiff has filed his objections and contended that the application filed by the defendant is not maintainable either in law or on facts and same is liable to be dismissed. Further it is contended that the defendants has filed this application U/O 7 Rule 11(d) of C.P.C., where the plaint has to be rejected if barred by law. But the suit filed by the plaintiff is*

well within the period of limitation and hence the plaint cannot be rejected under U/O 7 Rule 11(d) of C.P.C. Accordingly prayed to dismiss the application.

4. Heard the learned counsel for both the parties and perused the records.

5. The only point that arose for my determination is:

1. Whether the application filed by the defendant seeking rejection of plaint deserves to be allowed?

2. What Order?

6. My findings to the above points are as follows:

Point No.1 : In the Negative,

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

:R E A S O N S:

7. Point No.1:- *The plaintiff has filed this suit for the relief of Recovery of Money against the defendant. The defendant has filed this application under order 7 Rule 11 (d) of CPC seeking to*

reject the plaint as the suit claim amounts to Rs.5,28,000/- which exceeds the pecuniary limits of this Court.

8. The Order 7 Rule 11 of C.P.C reads as follows:

Rejection of 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 returned 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 the valuation or supplying of the requisite stamp-paper shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp-paper, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff.]

9. It is the settled position of law that the plaint has to be rejected on the above grounds provided under O 7 Rule 11(a) to (f) by looking into the facts narrated in the plaint and not by appreciating the documents placed on record or by contentions taken up in the written statement. **As such the facts narrated in the affidavit filed in support of this application or the**

written statement filed by the defendant cannot be the ground to reject the plaint.

10. In the case on hand defendant has put-forth that the suit claim amounts to sum of Rs.5,28,000/- which exceeds the pecuniary jurisdiction of the Court and hence prays to reject the plaint as the plaint is hit by the Order 7 Rule 11(d) of C.P.C.. **That it is the settled position of law that if the suit is filed before the Court of incompetent jurisdiction, the plaint has to be returned under Order VII Rule 10 of C.P.C., to the plaintiff to present the same before the Court of competent jurisdiction and the plaint cannot rejected on that ground.** Thus the present application is not tenable under the law. **Accordingly, I proceed to answer Point No.1 in the Negative.**

11. Point No.2:- For the aforesaid reason and discussion, I proceed to pass the following: -

ORDER

The I.A. No.II filed by the defendant under Order 7 Rule 11(d) of CPC is hereby dismissed with cost of Rs.1,000/-.

(Dictated to the stenographer on computer, corrected and then pronounced by me in the open Court on 24th day of October 2025).

**PRL. CIVIL JUDGE & J.M.F.C.,
T.NARASIPURA.**