

KARC310005772025



IN THE COURT OF ADDL. CIVIL JUDGE & JMFC, LINGASUGUR

Present : SRI. SIDRAM REDDY
B.A., L.L.B.,
Addl. Civil Judge & JMFC,
Lingasugur.

Dated this: 06th day of June 2026

ORIGINAL SUIT NO. 32/2025

Plaintiffs : Jatteppa S/o Basappa Neeralakeri another.

-Vs-

Defendants : Ravi S/o Dyavappa Horapeter and another.

Parties to IA No.III

Applicant/defendants : Ravi S/o Dyavappa Horapeter,
Age : 30 years, Occ : Agriculture,
R/o. Kalli Lingasugur,
Tal :Lingasugur, Dist:Raichur and another.

- Vs -

Opponent/plaintiffs : Jatteppa S/o Basappa Neeralakeri,
Age : 65 years, Occ : Agriculture,
R/o. Kalli Lingasugur,
Tal :Lingasugur, Dist:Raichur and another.

i	Provision under which the application is filed	U/o VII rule 11(a) and (d) of CPC
ii	Relief sought for	Rejection of plaint.

iii	The date on which the application is filed	16-12-2025
iv	Number of the application	IA.No. III
v	The date on which the objections are filed by different opponents	03-02-2026
vi	The date on which the orders were passed on the said application	06-07-2026

ORDER ON IA No.III UNDER ORDER VII RULE 11(a) and (d) OF CPC FILED BY THE DEFENDANTS

The defendant has filed this application U/o 7 Rule 11 (a & d) of CPC seeking rejection of plaint on the ground that no cause of action arose to file this suit and also the suit is barred by limitation.

2. The defendants submitted that, the plaintiffs have not challenged the mutation No.26, 27 well within time before the competent authority and also denied the cause of action shown the plaint. The defendants further contended that, according to section 133 of Karnataka land revenue act 1964 the revenue documents are presumed to be true and he also stated that according to section 132(1) of Karnataka revenue act the plaintiff must produce the documents regarding the mutation entries and the documents regarding division along with the plaint itself he further stated that the plaintiffs intentionally have not produced the documents i.e., mutation register No.94 and 95 dated 14-07-2015. The defendants further contended that the mutations have taken place in the year 1997 and 2015 but the plaintiff never challenged and the limitation is of 3 years therefore prays to reject the plaint. The also contended that, according to section 74 and 78(1) of Bharatiya Sakshaya Adhinyam 2023 the revenue records being public

documents presumed to be genuine and the plaintiffs have constructive notice about the said documents. They also quoted the decision of Hon'ble Apex court of Uma Devi V/s Anand Kumar (2025) 5 SCC 198 and prays to rejected the plaint as the plaintiffs have no cause of action to file this suit against the defendants and barred by limitation.

3. On the other hand, the Ld., counsel for plaintiffs have filed objections, stating that, the present I.A. No.3 filed by the defendants seeking rejection of the plaint is wholly misconceived, untenable, vexatious and contrary to settled principles of law. The application is filed with an ulterior motive to scuttle the suit at the threshold, without permitting adjudication of disputed questions of fact, which is impermissible under Order VII Rule 11 of CPC. The defendants have deliberately mixed questions of fact with law, which cannot be adjudicated at this stage as provided order VII Rule 11 CPC. The allegation that the plaint contains contradictory pleadings regarding relationship is false, misleading and taken out of context. The statement paragraph 3 of the plaint pertains to the absence of any subsisting legal relationship in respect of the suit schedule property and not denial of relationship. Paragraph 6 merely narrates the genealogical background of the parties. Reading isolated sentences without the plaint as a whole is impermissible in law. It is settled that the plaint must be read meaningfully and not pedantically. The plaintiffs have never admitted creation of any fake mutation entries as alleged. The plaintiffs have specifically pleaded that the alleged mutation entries and phodi were brought into existence fraudulently, without notice, consent, or knowledge of the plaintiffs. Fraud vitiates every solemn act, and limitation does not begin to run until the fraud

comes to the knowledge of the aggrieved party. Order VII Rule 11 CPC does not mandate rejection of a plaint merely because specific dates are not mentioned, especially when fraud and continuing cause of action are pleaded. The precise dates and circumstances are matters for trial, evidence, and cross-examination. Cause of action arose on 26-01-2025- Properly pleaded, as the plaint clearly discloses that the defendants for the first time openly asserted hostile title and attempted to alter the physical nature of the suit property on 26-01-2025. This act gave rise to a fresh, live, and continuous cause of action. The limitation is mixed question of law and fact: Suit is not ex facie barred by limitation. The plea of limitation raised by the defendants involves date of knowledge, alleged fraud, nature of mutation entries, conduct of parties, these are pure questions of fact, which cannot be adjudicated at the stage of Order VII Rule 11 CPC. The Hon'ble Supreme court has repeatedly held that limitation can be decided at the threshold only when it is apparent on the face of the plaint, which is not the case here. Karnataka Land Revenue Act no Bar to Civil Suit. Section 132 & 133 do not bar the suit: Sections 132 and 133 of the Karnataka Land Revenue Act do not bar the Jurisdiction of Civil courts to decide title, fraud, invalidity of mutation entries, mutation entries are only for fiscal purposes and do not confer or extinguish title. Presumption under section 133 is rebuttable and the plaintiffs have specifically pleaded fraud and illegally. Non-Production of documents not a ground for rejection: Failure to annex certain revenue records cannot be a ground for rejection of plaint under Order VII Rule 11 CPC. Order VII Rule 11 does not contemplate rejection on the ground of insufficiency of documents. Documents can be produced at the stage of evidence. Alleged

Admissions from defendants documents-irrelevant at this stage. Reliance on defendants documents is impermissible: While deciding an application under Order VII Rule 11 CPC, the Court can only look into the plaint and documents relied upon by the plaintiffs. The defendants attempt to rely on their written statement and annexed documents is contrary to settled law. Any alleged partition, consent, or participation is seriously disputed and requires trial. The Supreme Court Judgment i.e., Uma Devi V. Anand Kumar not applicable because the present plaint discloses, clear Cause of action allegations of fraud, threat of dispossession. This is not a case of clever drafting, but a genuine dispute require adjudication. The plaint discloses a clear cause of action. The suit is not barred by limitation on the face of the plaint. The application raises disputed questions of fact, which can only be decided after trial. Hence prays to dismiss the application with cost.

4. Heard on both sides. Perused the material on record, the following points arise for my consideration:-

- 1) Whether the application filed U/O 7 Rule 11(a & d) of CPC filed by defendant be allowed ?
- 2) What order ?

5. My findings to the above points are as under,

Point No.1 :- In the Negative,

Point No.2 :- As per final order.

REASONS

6. **Point No.1** : I have carefully gone through the material on record and the application filed for rejection of plaint and the objections filed on the same by the plaintiffs. The applicant has sought

for rejection of plaint on the grounds that, no cause of action has arose to file this suit and barred by limitation. After going through the plaint averments on record, this court is of opinion that, the contentions raised by the defendant with respect to maintainability of suit, owing to failure of arousal of cause of action and barred by limitation, but at this juncture this court intending to quote the provision **U/o 7 rule 11(a) and (d) of code of civil procedure 1908.**

7. **Order 07 Rule 11(a) & (d) reads as under;**

11. Rejection of plaint

a. where it does not disclose a cause of action;

d. Where suit appears from the statement in the plaint to be barred by any law.

8. As contemplated in the above provisions the court can reject the plaint if the averment of plaint itself shows that, the suit of the plaintiffs is no cause of action and barred by limitation. The plaintiffs filed suit against defendants seeking the relief of declaration and perpetual injunction. Further in the paragraph No.9 of the plaint the plaintiffs pleaded about the cause of action contending that on 26-01-2025 at about 4.00 Pm., in the evening the defendant No.2 came to the suit property and attempted to remove the debris from the suit property and the defendant No.1 has also came with henchmen and removed almost all the debris except few stones and material. Since the cause of action is mixed question of law and fact hence the trial has to be conduct for the proper adjudication. With regard to limitation the plaintiffs averred that the defendants are interfering in the suit property and the plaintiff requested not to interfere in the suit property but the defendants denied the same and continued their acts. Hence they field the present suit seeking declaration and perpetual injunction

since the limitation is also mixed question of law and fact as because the suit filed by the plaintiffs are not barred by any specific law as taken contention by the applicant and the provisions quoted by the defendants/applicants are not direct bar to reject the plaint. The averments of the plaint prima-facie discloses cause of action to file the suit and the limitation aspect should be consider after completion of trial as because the plaintiffs are challenging the mutation entries with regard to suit properties and also challenging sale deeds and possession over the suit property therefore the trial of the suit is necessary. Moreover the plaintiffs alleging that all the transactions were taken place behind the back and without their being knowledge about the suit properties. Hence in view of settled law and further for the reasons stated aforesaid, this court inclines to answer this **point No.1 in the Negative.**

9. **Point No.2** : For the reasons discussed supra, I proceed to pass the following:

ORDER

**IA No.III filed U/o 7 rule 11(a & d) of CPC
filed by defendants is hereby rejected with
cost of Rs.500/-.**

**For hearing on IA No.I by
28-07-2026.**

(Dictated to the stenographer, directly on computer, computerized by her, corrected by me and order is pronounced in the open court on the 06th day of July, 2026)

**Sd/-
(SIDRAM REDDY)
Addl. Civil Judge & JMFC,
Lingasugur.**