



**IN THE COURT OF THE PRL. SENIOR CIVIL JUDGE AND
CJM., AT RAMANAGARA**

Dated:- This the 26th Day of March, 2026

Present:-

Sri. Lokesha,
B.A., L.L.B.,
Prl. Senior Civil Judge & CJM.,
Ramanagara.

O.S.No.89/2018

Plaintiffs :- Sri. Rangappa and others
V/s

Defendants :- Sri. Kariyappa dead by Lrs.,
and others

in Application dated:04.11.2025

Applicant :- Smt. K.S. Pushpalath
- (Defendant No.9)
-V/s-

Opponents : - Sri. Rangappa and others
- (Plaintiffs)

**ORDER ON I.A. FILED UNDER ORDER 7 RULE 11(a) AND
(d) DATED:04.11.2025**

This application is filed by the Defendant No.9 Smt.
Puashpalatha filed under Order VII Rule 11(a) and (d) r/w



Sec.151 of CPC., requesting the court to reject the plaint for want of cause of action and barred by limitation.

2. In the affidavit filed accompanying this application, the Defendant No.9 Smt. Pushpalatha states that the Plaintiffs have has filed this suit against the Defendants for declaration and title and permanent injunction and to declare the sale deed dated:12.07.1994, 11.08.2000, 28.03.2000 and 26.11.2004 are not binding on the Plaintiffs. It is further states that, there is no cause of action for the Plaintiffs to file the suit as the part of the suit property was alienated by the Plaintiffs in favour of 8th Defendant Sri. H. Narasimahaih through sale deed dated:23.08.2000 and 11.08.2000. The suit is filed after lapse of 25 years, which is barred by limitation. It is further states that, by clever drafting and by illusion cause of action suit is filed by the Plaintiffs which has to be rejected. Hence, she prayed for rejection of plaint.



3. On the other hand Plaintiffs Advocate filed objection to this application contending that application is not maintainable either in law or on facts. It is further stated that the suit is filed within time and plaint cannot be rejected holding that barred by limitation as per the dictum of the Hon'ble Apex Court. It is further states that, the Plaintiffs have filed the suit challenging the fraudulent document and suit has to be decided on merits and plaint cannot be rejected as barred by limitation. Hence he prayed for dismissal of application.

4. Heard both the sides and perused the materials on record.

5. Based on the application and objection, the following points arise for my consideration:-

(1) Whether plaint discloses cause of action?

(2) Whether suit appears from the statement made in the plaint to be barred by any law?



(3) What order?

6. My answers to the above points are as under:-

Point No.1 : In the Negative;
Point No.2 : In the Affirmative;
Point No.3 : As per the final order
for the following:-

REASONS

7. Point No.1 and 2:- Undisputedly, present suit is filed by the Plaintiffs against the Defendant seeking the relief of declaration of title and permanent injunction with respect to suit schedule property bearing Sy.No.478 measuring 8 acres 19 guntas bounded by East: Land of Thippaiah, West: Gomala Sy.No.290, now road, North: Land of Kempaiah and South: Goamala land in Sy.No.48 and Ramanagara border, situated at Kodiyalakarenahalli Village, Ramanagara Taluk. The Plaintiffs have also filed for declaration to declare the sale deed dated:12.07.1994 executed by Defendant No.1, 3 in favour of Defendants No.6 and 7 and sale deed dated:12.08.2000 executed by Defendant No.1 and 2 and



also sale deed dated:23.08.2000 executed in favour of 8th

Defendant and also sale deed dated:26.11.2004 in favour of 11th Defendant are not binding on the Plaintiffs.

8. In order to know whether plaint discloses of cause of action, it is necessary to reproduce averments of Para No.4 to 6 of the plaint, which reads thus:

“4. ಹೀಗಿರುವಲ್ಲಿ ಸದರಿ ವಾದಿಗಳು ಮತ್ತು ಪ್ರತಿವಾದಿ 1 ರಿಂದ 5 ರವರಿ ಅವರ ಕುಟುಂಬಕ್ಕೆ ಸೇರಿದ ಸುಮಾರು ಪಿತ್ರಾರ್ಜಿತ ಆಸ್ತಿಗಳಿದ್ದು, ಆ ಎಲೆ ಆಸ್ತಿಗಳನ್ನು ವಾದಿಗಳು ಮತ್ತು ಪ್ರತಿವಾದಿ 1 ರಿಂದ 5 ರವರು ಎಂ.ಆದ ಸಂ. 36/91-92 ರಂತೆ ಪಂಚಾಯ್ತಿ ಪಾರಿಕ್ಶ ಮಾಡಿಕೊಂಡು ಅದರ ವಿಭಾಗಿಸಿಕೊಂಡು ಆ ವಿಭಾಗದಂತೆ ಈ ದಾವಾ ಸ್ವತ್ತು ವಾದಿಗೆ ಬಿ ಕೊಟ್ಟಿರುತ್ತಾರೆ. ಅದರಂತೆ ಈ ದಾವೆಯ ದಾವಾ ಸ್ವತ್ತು ವಾದಿಯ ಬಾಗಕ್ಕೆ ಬಂದಿರುತ್ತದೆ. ಅದರಂತೆ ಸದರಿ ವಾದಿಯು ಸದರಿ ದಾವಾ ಸ್ವತ್ತಿನಲ್ಲಿ ಅಂದಿನಿಂದ ಇಂದಿನವರೆಗೂ ಸ್ವಂತ ಸ್ವಾಧೀನಾನುಭವದಲ್ಲಿದ್ದು, ಅನುಭವಿಸಿಕೊಂಡು ಬರುತ್ತಿದ್ದಾರೆ. *edd. do* ಅವಿದ್ಯಾವಂತರಾಗಿದ್ದು, ವಾದಿಗಳು ಮತ್ತು ಪ್ರತಿವಾದಿ ರಿಂದ 5 ರವರು ವಿಭಾಗಿಸಿಕೊಂಡ ಮ್ಯುಟೇಷನ್ ನಲ್ಲಿ ಸದರಿ ವಾದಿಗೆ ಕೇವಲ 3 ಎಕರೆ 10 ಗುಂಟೆ ಸ್ವತ್ತು ಎಂದು ತೋರಿಸಿರುತ್ತಾರೆ. ಆದರೆ, ಸದರಿ ಪ್ರತಿವಾದಿ 1 ರಿಂದ 5 ರವರು ವಾದಿಗೆ ಈ ದಾವಾ ಸ್ವತ್ತಿನ ಸಂಪೂರ್ಣ ವಿಸ್ತೀರ್ಣ 8 ಎಕರೆ 10 ಗುಂಟೆ ಸ್ವತ್ತನ್ನು ವಾದಿಯ ಬಾಗಕ್ಕೆ ಬಿಟ್ಟುಕೊಟ್ಟಿರುತ್ತಾರೆ. ಅದರಂತೆ ಸದರಿ ವಾದಿಯು ಸದರಿ ದಾವಾ ಸ್ವತ್ತಿನ ಒಟ್ಟು ವಿಸ್ತೀರ್ಣ 8 ಎಕರೆ 10 ಗುಂಟೆಯಲ್ಲಿ ಸ್ವಂತ ಸ್ವಾಧೀನಾನುಭವದಲ್ಲಿದ್ದಾರೆ.

5. ಹೀಗಿರುವಲ್ಲಿ ಸದರಿ ಈ ದಾವೆಯ ಪ್ರತಿವಾದಿ 4 ರವರು ವಾದಿಗಳಿಗೆ ತಿಳಿಯದಂತೆ ದಾವಾ ಸ್ವತ್ತಿನ ಮೈಕಿ ಸುಮಾರು 1 ಎಕರೆ 30 ಗುಂಟೆ ಸ್ವತ್ತನ್ನು ಈ ದಾವೆಯ ಪ್ರತಿವಾದಿ ಸಂ. 6 & 7 ರವರಿಗೆ ಮೋಸದಿಂದ



ದಿನಾಂಕ: 12-7-1994 doc ad, Dead ಸ್ವತ್ತಿನ ಪೈಕಿ ಸುಮಾರು 1 ಎಕರೆ 30 ಗುಂಟೆ ಸ್ವತ್ತನ್ನು ಆತನ ಹೆಸರಿಗೆ ಯಾವುದೇ ರೀತಿಯ ಖಾತಾ ವಗೈರೆ ಇಲ್ಲದೆ. ಹಾಗೂ ವಾದಿಯು ಅವಿದ್ಯಾವಂತನಾಗಿರುವುದನ್ನು ದುರುಪಯೋಗಪಡಿಸಿಕೊಂಡು ಮೋಸದಿಂದ ಮಾರಾಟ ಮಾಡಿರುತ್ತಾರೆ.

6. ಅದರಂತೆ ದಿನಾಂಕ: 12-7-1994 ರಂದು ಈ ದಾವೆಯ ಪ್ರತಿವಾದಿ ಸಂ, 1 ಮತ್ತು 3 ರವರು ಸದರಿ ಈ ದಾವಾ ಸ್ವತ್ತಿನ ಪೈಕಿ ಸುಮಾರು 4 ಎಕರೆ ಸ್ವತ್ತನ್ನು 1 ಮತ್ತು 3ನೇ ಪ್ರತಿವಾದಿ ತಮ್ಮ ಹೆಸರಿಗೆ ದಾವಾ ಸ್ವತ್ತಿನ ಖಾತಾ ಪಹಣಿ ಇಲ್ಲದಿದ್ದರೂ ಸಹ ವಾದಿಗೆ ಸೇರಿದ ಈ ಬಾವಾ ಸ್ವತ್ತಿನಲ್ಲಿ ವಾದಿಗೆ ಬ್ಯಾಂಕಿನಲ್ಲಿ ಜಮೀನು ಅಭಿವೃದ್ಧಿ ಪಡಿಸಲು ಸಾಲವನ್ನು ಕೊಡಿಸಿಕೊಡುತ್ತೇನೆಂದು ನಂಬಿಸಿ, ಸದರಿ ವಾದಿಯನ್ನು ಮತ್ತು ಆತನ ಮಗನಾದ ಅಶ್ವಥನಾರಾಯಣರವರನ್ನು ಮೈನರ್ ಎಂದು ತೋರಿಸಿ, ಸದರಿ ವಾದಿಯನ್ನು ಸಹ ಜೊತೆಯಲ್ಲಿ ಕರೆದುಕೊಂಡು ಹೋಗಿ ಸದರಿ 1 ಮತ್ತು 3ನೇ ಪ್ರತಿವಾದಿಯು ಸದರಿ ದಾವಾ ಸ್ವತ್ತಿನ ಪೈಕಿ 4 ಎಕರೆ ಸ್ವತ್ತನ್ನು ಈ ದಾವೆಯ ಪ್ರತಿವಾದಿ ಸಂ. 6 & 7 ರವರಿಗೆ ಮೋಸದಿಂದ ಮಾರಾಟ ಮಾಡಿರುತ್ತಾರೆ. ಈ ರೀತಿ ಮಾರಾಟ ಮಾಡಲು ಸದರಿ 1 ಮತ್ತು 3ನೇ ಪ್ರತಿವಾದಿಗೆ ಯಾವುದೇ ವಿಧವಾದ ಹಕ್ಕಾಗಲೀ, ಅಧಿಕಾರವಾಗಲೀ ಇರುವುದಿಲ್ಲ.”

9. In para 14 of the plaint, Plaintiffs simply pleads that cause of action for the suit arose on 15.02.2018 when the Defendants have obstructed the cultivation of the suit property by the Plaintiffs. In order to decide whether Plaintiff discloses clear cause of action or not, it is necessary to know the meaning of cause of action. The cause of action is defined in law lexicon by P. Ramanath



Iyar, which reads as follows: The elements of cause of action are first breach of duty owing by one person to another, second the damage resulting to the other from breach. The commission or commission of an act by the Defendant and damage to the Plaintiff in consequence thereof must unite to give a good cause of action. No one these facts by itself is cause of action. The cause of action is bundle of facts, which is necessary for the Plaintiff to prove in order to succeed in a suit. It is well settled that cause of action is simply the right of power to enforce an obligation. It springs from an obligation. It is also well settled that relief is a legal remedy for the injustice that the Plaintiff has severed. The cause of action must included some act done by the defendant, in the absence of such an act no cause of action can possibly accrue.

10. The learned counsel for the Defendant No.9 contended that plaint averments itself is very clear that suit of the Plaintiffs is barred by limitation. He further submits



that, if it is clear from the plaint averments itself that suit is barred by limitation plaint has to be rejected. In support of this submission, the learned counsel for the 9th Defendant relied upon decision reported in **AIR 2022, SC 4724, C.S. Ramaswamy V., V.K. Sentil and Ors., C.S. Ramaswamy Vs. Nanjamal and Ors.**, In this decision at paragraph 7.9 at page No.9 their lordships have held as follows:-

“7.9 Applying the law laid down by this Court in the aforesaid decisions on exercise of powers under Order VII Rule 11 CPC to the facts of the case on hand and the averments in the plaints, we are of the opinion that both the Courts below have materially erred in not rejecting the plaints in exercise of powers under Order VII Rule 11(d) CPC. The respective suits have been filed after a period of 10 years from the date of execution of the registered sale deeds. It is to be noted that one suit was filed by the minor, which was filed in the year 2006, in which some of the plaintiffs herein were also party to the said suit and in the said suit, there was a specific reference to the Sale Deed dated 19.09.2005 and the said suit came to be dismissed in the year 2014 and immediately thereafter the present suits have been filed. Thus, from the averments in the plaint and the bundle of facts stated in the plaint, we are of the opinion that by



clever drafting, the plaintiffs have tried to bring the suits within the period of limitation, which otherwise are barred by limitation. Therefore, considering the decisions of this Court in the case of T. Arivandandam (supra) and other decision of Raghwendra Sharan Singh (supra), and as the respective suits are barred by the law of limitation, the respective plaints are required to be rejected in exercise of powers under Order VII Rule 11 CPC.”

11. He also relied upon another Judgment of Hon’ble Apex Court in **Civil Appeal No.14807/2024, Sri. Mukund Bhavn Trust and Ors., Vs. Srimant Chhatrapati Udayan Pratap Singh Maharaj Bonsle and Anr.**, As per the dictum of this decision, *“in a document is registered the date of its registration became the date of deemed knowledge and party has to be challenged the document within a period of limitation.”* So, as per the dictum of this decision if from the averments of the plaint itself is clear that the suit is barred by limitation plaint can be rejected.

12. On the other hand, the learned counsel for the Plaintiffs would submits that, the plaint cannot be rejected



as barred by limitation and issue of limitation is mixed question of law and fact and it has to be decided after full pledged trial. In support of his submission he has relied upon a decision of Hon'ble High Court of Karnataka in **RFA No.294/2023 (DEC)(ING) in between Sri. Mylarappa Vs. Sanjeevappa.** As per the dictum of this decision "*if the disputed question of fact is involved in the suit which requires trial, has to be decided only after recording evidence of both parties but plaint cannot be rejected holding that suit is barred by limitation.*" The learned counsel for the Plaintiffs has also cited another Judgment of Civil **Rev.Pet.No.100020/2022 M/s Shamaraju and Company (India Ltd.) Vs. Municipal Commissioner City Municipal Council Ilkal and Ors.,** I have carefully gone through this decision in detail. As per the dictum of this decision, "*adjudication of limitation depends upon evidence and disputed facts, rejection of plaint under Order 7 Rule 11 of CPC., is impermissible.*"



But, in the present case on hand, in the plaint itself the Plaintiffs have pleaded about the sale deed on 12.07.1994 by the Defendants No.1 and 3 and also with respect to sale deed dated:11.08.2000 and 23.08.2000 by Defendants No.1 and 2 in respect of portion of the suit property.

13. As per the law laid down by the Hon'ble Apex Court in the decision relied upon by the Advocate for Defendants No.9 and 10 if the suit on the face of pleadings in the plaint itself appears to be barred by limitation plaint can be rejected. In the case on hand from plain reading of the plaint averments itself is very clear that the suit of the Plaintiffs is barred by limitation. In other words in the suit from the statement made in the plaint itself appears to be barred by Article 59 of Limitation Act. Therefore, with due respect to the law laid down by the Hon'ble High Court of Karnataka in the decision relied upon by the learned counsel for the Plaintiffs, in view of the dictum of the



Hon'ble Apex Court I am of the humble opinion that, the decisions cited by the learned counsel for the Plaintiffs may not helpful for the case of the Plaintiffs. Moreover, facts and circumstances of the present case is distinguishable one.

14. It is well settled principle of law that it is not permissible to cull out a sentence or passage and to read it out of the context in isolation. Although it is substance and not merely the form has to be looked into, the pleadings has to be construed as it stands without addition or substraction or words or change of its apparent grammatical sense. In the case on hand on meaningful reading of the entire plaint, it can be said that there was no cause of action for the plaintiffs to file the suit. It is very clear that the Plaintiffs have cleverly drafted the plaint by creating the cause of action, which is illusory. So as per the dictum of Hon'ble Apex Court, if the cause of action is illusory, plaint has to be rejected. In other words averments of the plaint is to be nipped in the bud. From meaningful



reading of the plaint it is clear that the plaint does not disclose clear cause of action Therefore, I come to conclusion that plaint is to be rejected as provided under Order 7 Rule 1(a) and (d) of CPC., With these reasons, **I answer Point No.1 in the Negative.**

15. Point No.2:- In view of my answer to Point No.1, I proceed to pass the following :-

ORDER

Application filed by the Defendant No.9 under Order VII Rule 11(a) and (d) r/w Sec.151 of the CPC., is hereby allowed.

The Plaint is hereby rejected for want of cause of action and barred by limitation.

As the rejection of plaint amounts to decree, office to draw decree accordingly.

(Dictated to the Stenographer, directly on the computer and same is corrected, signed and then pronounced by me in the open Court on this the 26th day of March, 2026).

(LOKESHA)
Prl.Senior Civil Judge & CJM,
Ramanagara.