



I.A.No.	Application
I.A filed by the	Defendant No.13
Date of filing of I.A	22.09.2025
Date of filing of Objections filed by the Plaintiff	25.02.2026
Date of Order	25.04.2026

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

Dated : This the 25th Day of April, 2026

Present:-

Sri. Lokesha,
B.A., LL.B.,
Prl. Senior Civil Judge & CJM.,
Ramanagara.
O.S.No.403/2021

Plaintiffs :- Smt. Ningamma and others

V/s

Defendants :- Smt. Bhagyamma and others

in I.A.

Applicant :- Smt. Sarojamma

-(Defendant No.13)

-V/s-



Opponents :- Smt. Ningamma and others

- (Plaintiffs)

* * *

ORDER ON APPLICATION UNDER ORDER VII RULE 11
(A) R/W SEC.151 OF CPC.,

This application is filed by the Defendant No.13 Smt. Sarojamma requesting the court to reject the plaint for want of cause of action.

2. In the affidavit filed accompanying this application, the Defendant No.13 Smt. Sarojamma states that plaintiffs come with the concocted and created documents by filing the suit without producing any documents. It is further states that, the Plaintiff and Defendants No.1 to 11 with malafide intention to grab the compensation amount with respect to acquisition of the suit schedule survey number to harass this Defendant to file this suit. The Defendants No.1 to 12 are distant relatives other than that there is no joint family status between them. On



this ground itself suit is not maintainable for want of cause of action. Hence, it is prayed for allow this application.

3. On the other hand the plaintiffs counsel filed objection to this application contending that application is not maintainable either in law or on facts. It is further contended that application is filed only to protract the proceedings. Hence, he prayed for rejection of the application.

4. Based on the application, the following points arise for my consideration.

1. Whether plaint discloses cause of action?

2. What order ?

5. I have heard the arguments of Defendant No.13 and Plaintiffs. I have perused the case records.

6. My answer to the above points are as follows :-



Point No.1	:- In the Affirmative'
Point No.2	:- As per order for the following :-

REASONS

7. Point No.1:- Undisputedly, present suit is filed by the plaintiffs against the defendants seeking partition and separate possession with respect to the suit properties which are agricultural land which are 3 in numbers contending that suit properties are joint family properties of himself and Defendants No.1 to 6.

8. In order to decide whether plaint discloses cause of action, it is necessary to know the meaning of cause of action. The word cause of action is defined in law lexicon by P.Ramanath Iyer as follows. "The element 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 the commission of an act by



the defendant and damage to the plaintiff in consequence there of must be unite to give a good cause of action. The cause of action is a bundle of fact which is necessary for the plaintiff to prove in order to succeed the suit. The cause of action is a set of allegations or facts that makeup the basis for filing a civil suit in the court and it must include some act done by the Defendant. since in the absence of such an act, no cause of action can possibly accrue. The cause of action is simply the right of power to enforce an obligation. It springs from an obligation.

9. In order to decide whether plaint disclose cause of action, it is necessary to reproduce the averments of para 4 and 6 of the plaint which reads as follows.:-

4. The plaintiffs submits that, property bearing Sy.No.144/2A, measuring to an extent of 0-33 guntas and Sy.No.144/2B, measuring 1 acre 14 guntas, of Kethohalli Village. Kasaba Hobli, Ramanagara Taluk, Ramanagara District had succeeded by grandfather of plaintiffs and the



grandfather of the defendants No.1 to 6. It is further submitted that, during the life time of the were in the Karadappa and S.N.Thimmaiah peaceful possession and enjoyment jointly and severally and no partition was effected between themselves, after their demise, the plaintiffs and defendant No.1 to 11 were peaceful possession and enjoyment without any hindrance. The RTC extracts, Mutation Registrar are herewith produced as DOCUMENT No.2 to with are the schedule properties hereinafter called as schedule properties which are more fully described in the schedule given hereunder.

6. The plaintiffs further submits that, when the plaintiff questioned the illegal act and conduct of the defendants 1 to 11. have given the evasive answer and denied the legitimate right of the plaintiffs over the suit schedule properties and hence the plaintiffs were conducted the panchayath before the elders of the locality but, all the efforts made by the plaintiffs are left in vain. It is further submitted that, when the plaintiffs applied for the certified copies of revenue records before the concerned authority the plaintiffs came to know that, the property bearing Sy.No.110, measuring 1 acre 33 guntas, in favour of 10th defendant without the consent of the father of the plaintiffs over the same and hence any 3rd party encumbrance created in favour of 10 and 11th defendants



mother is not binding on the share of the plaintiffs. Even the plaintiffs approached the 12th defendant to not to transfer the compensation amount in favour of the defendants and also gave the objections letter to 12th defendant but, the 12th defendant refused to receive the same and relief except to approach to before this Hon'ble Court for the relief of partition and separate possession over the suit schedule properties. Hence this suit.”

10. As per the averments of the plaint, it becomes very clear that in para 4 of the plaint, suit properties are succeeded by the grand father of Plaintiffs and grand father of the Defendants No.1 to 6. During lifetime of Kadarappa and Thimmaiah, they were in joint possession and enjoyment of suit properties without any division. That on their death, the Plaintiffs and Defendants No.1 to 11 continued to be in joint possession and enjoyment of suit properties. In para 8 of the plain, the plaintiff pleads that cause of action arose on 31.12.2018, when the plaintiffs demanded the defendants for division of the suit properties and they they have refused for



partition and on 15.10.2021 and in subsequent dates.

11. The learned counsel for the defendant No.13 would repeatedly argued that plaint does not discloses cause of action and he has furnished citations.

(i) Civil Appeal No.9519/2019, in case of Dahiben Vs/ Arvinbhai Kalyanji Bhanusali(Gajra) Dead through Legal Heirs and Othrs., As per the dictum of this decision, *“if the averments of the plaint is taken into consideration and if it is revealed that the statement made in the plaint could be barred by limitation, the plaint has to be rejected by exercising power under Section 7 Rule 11 of CPC.”*

(ii) Civil Appeal No.5200/2025, The correspondence RBA NMS Educational Institution Vs. B. Gunashekhar and Anr., As per the dictum of this decision, *“ if the suit is filed by clever drafting creating illusion of cause of action and if the suit appears to be veracious plaint has to be rejected.”*

(iii) Civil Appeal No...../2025, Spl.Pet(Civi) 2137/2025, Smt. Umadevi and Ors., Vs. Sri. Anandkumar and Ors., As per the dictum of this decision, *“if the plaint does not disclose cause of action the plaint has to be rejected.”*

(iv) Civil Appeal N2717/2022023, Ramishetti Venkatanna and Anr., Vs. Nasyam Jamal Saheb and



Ors., In this decision also it is held that, *“if the plaint vexicious and cause of action pleaded in the plaint is illosory cause of action, the plaint is cleverly drafted, court has to reject the plaint.”*

(v) CRP 620/2023, Smt. M. Prabhakumari. In this decision *“suit was filed for partition and no relief was sought for as against the sale deed and suit was filed in respect of portion of the property, which was subject matter of the sale deed, which has not been challenged by the Plaintiff.”* In the case on hand, it is not the case of the Defendant that sale deed has not been challenged by the Plaintiff.

(vi) 1977 AIR 2421, T. Aravindam Vs. T.V. Satyapal and Anr., As per the dictum of this decision, *“if on meaningful but not formal reading of the plaint, if manifestly vexatious and meritless, in the sense of not disclosing a clear right to sue court should be exercise power under Order 7 Rule 11 of CPC., and plaint has to be rejected.”*

12. It is well recognized principle of law that the court while considering the application filed under Order VII Rule 11 of CPC., seeking rejection of the plaint court cannot look into the plaint averments or contention of the defendants taken in the application filed under Order VII Rule 11 of CPC.



It is also well recognized principle of law that, court need not look into the document produced by the defendants while considering the application filed for rejection of the plaint. It is well recognized principle of law that, while deciding the application filed under Order VII Rule 11(d) of CPC, only the plaint averments has to be looked into. In the case on hand on meaningful reading of the plaint but not on formal reading of the plaint it becomes very clear that the plaint clearly discloses cause of action against the defendants. At this stage averments of the written statement and documents produced by the Defendants cannot be looked into to decide the application filed under Order 7 Rule 11(a) of CPC., Therefore, with due respect to the dictum of the decisions relied upon by the 13th Defendant counsel, I am of the humble opinion that, these decisions may not applicable to the facts and circumstances of the present case. So therefore this court comes to conclusion that the plaint clearly discloses cause of action. **Hence, I answer Point No.1 in the Affirmative.**



13. Point No.2 :- For the reasons discussed on

Points No.1, I proceed to pass the following :-

O R D E R

The application filed by the Defendants No.13 under Order 7 Rule-11(a) of C.P.C., is hereby dismissed without costs.

(Order is dictated to the Stenographer directly on the computer and then corrected and pronounced by me in the Open Court on this 25th day of April 2026).

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