



IN THE COURT OF II ADDL. CIVIL JUDGE & J.M.F.C AT
KANAKAPURA

Dated this 06th Day of July 2026

Present: Sri.Vinay .V. Kundapur B.A.L , LL.B.,
II Addl.Civil Judge & JMFC,
Kanakapura.

O.S. No.378/2020

PLAINTIFFS : Smt.Muddamma dead by her Lr's.,

/Vs/

DEFENDANTS : Sri. Venkataswamy and others.,

PARTIES IN IA No. VI

APPLICANT : Sri. Ramanna defendant No.2

(By Sri.E.S.G., Advocate)

V/s

OPPONENT : Smt.Muddamma dead by her Lr's plaintiff

(By Sri.C.M.J., Advocate)



**ORDER ON APPLICATION FILED UNDER ORDER 7
RULE 11 OF CODE OF CIVIL PROCEDURE**

This is an application U/o 7 Rule 11 of CPC filed by the defendant No.2 for rejection of the plaint on the grounds that, this court has no pecuniary jurisdiction to try the suit in the interest of justice.

2. In the accompanying affidavit, the defendant No.2 has stated that, the above suit filed by the plaintiffs seeking declaration and permanent injunction and consequential relief pertaining to the agricultural land bearing old Sy.No.75, re Sy No. 75/2 measuring 0.37 guntas excluding 02 guntas of kharab situated at Gerahalli, Sathanur Hobli, Kanakapura Taluk. The defendant No.2 submits that, the suit schedule property is agricultural wet land, having water facility from a borewell and is being cultivated with coconut trees and mulberry crops, which clearly shows that the property has substantial market value. The actual market value of the suit schedule property as on the date of filing the suit is Rs. 6,00,000/- per acre, as per the guideline



value fixed by the government of Karnataka and published in the Gazette Notification dated 01.01.2019.

Further defendant No.2 submits that, the suit schedule property measures 37 guntas, since 1 acre consists of 40 guntas, in the value per gunta is Rs. 15,000/- therefore the total market value of the suit schedule property is Rs. 5,55,000/-. The plaintiff has not properly valued the suit for the purpose of jurisdiction and court fee, and the valuation shown in the plaint is incorrect and contrary to the government guideline value. When the actual market value of the suit schedule property is Rs. 5,55,000/- this Hon'ble Court does not have pecuniary jurisdiction to try the suit. Therefore, the plaint is liable to be rejected U/o VII Rule 11 of the CPC, as the suit is not properly valued and the court lacks pecuniary jurisdiction. Therefore, the Court may kindly reject the plaint as prayed in the application. Hence, prays before the court to reject the suit of the plaintiff. Therefore, the Court may kindly reject the suit as not maintainable and also prays to reject the plaint as prayed in the application.



3. On the contrary, Lrs of plaintiff (a) has filed the objection to the application and contended that, the application is not maintainable either in law or on facts. The application filed by the defendant is misconceived, frivolous, vexatious and legally untenable. The defendant sworn the false affidavit in support of this application averment made in the application are all false. The plaintiff have filed suit against the defendants for declaration and permanent injunction. The Lrs of plaintiff (a) submit that, the original plaintiff late Smt. Muddamma instituted the above suit during the year 2020 seeking the relief of declaration and permanent injunction in respect of the suit schedule property bearing Sy No. 75/2 (old Sy No. 75) measuring 37 guntas excluding 2 guntas of kharab land, situated at Gerahalli Village, Kasaba Hobli, Kanakapura Taluk. After the lapse of nearly 6 years from the date of institution of the suit, the defendants have now filed the present application raising a false contention regarding valuation of the suit property and pecuniary jurisdiction of this Hon'ble Court. The defendants have falsely stated that the suit schedule property is



wet land having borewell facility and cultivation of coconut trees and mulberry crops and that the market value of the land was Rs. 6,00,000/- per acre as on the date of institution.

Plaintiff further submit that, the suit schedule property is not a wet land. The RTC extracts relating to the suit schedule property clearly disclose in column No.8 that the nature and classification of the land is "Kushki", namely dry agricultural land. The said entry is maintained by the Revenue Department in the ordinary course of official business and carries a presumption of correctness until disproved in accordance with law.

Plaintiff further submits that, the defendants have intentionally suppressed the true nature of the property and have deliberately classified the same as wet land in order to mislead this Hon'ble Court. The defendants have relied upon a gazette notification dated 01.01.2019 pertaining to guideline values. However, the said notification itself does not specifically mention the suit schedule survey number as alleged by the defendants. As per the guideline



value applicable to dry agricultural lands under the said notification, the value of dry land is only Rs. 5,00,000/- per acre and not Rs. 6,00,000/- per acre as falsely claimed by the defendants.

Plaintiff further submits that, the suit valuation adopted by the original plaintiff at the time of institution of the suit was proper and in accordance with the provisions of the Karnataka Court Fees and Suit Valuation Act. It is pertinent to note that from the year 2020 till filing of the present application, the defendants never raised any objection regarding valuation, court fee or pecuniary jurisdiction.

Market value of the suit schedule property is less than Rs.4,62,500/- . Hon'ble court has got territorial jurisdiction to try the suit. Until and unless without leading the evidence the rejection of the plaint does not arise. There is no balance convenience lies infavour of defendant. Hence, on the above said ground plaintiff prays to reject the application filed by the defendant.

4. Heard, both sides and perused the records.

5. The following points that arise for my consideration are:-



1. Whether the plaint liable to be rejected under Order 7 Rule 11 of C.P.C. ?
2. What Order ?

6. My findings in the above points are as under;

Point No.1 : In the Negative,

Point No.2 : As per Final Order

for the following;

REASONS

7. **Point No.1-** The plaintiffs have filed this suit against the defendants for declaration and permanent injunction and such other reliefs.

8. After service of summons the defendant No.2 appeared through his counsel and filed written statement and filed present application U/o 7 Rule 11 of CPC seeking to reject the plaint. The main contention of the defendant No.2 is that, the suit is not maintainable, the instant suit is filed for declaration and consequential relief pertaining to the



schedule property bearing Sy.No.75/2 measuring 0.37 guntas, excluding 2 guntas of kharab. As per the submission made by the defendant No.2 suit schedule property worth not more than Rs.5,55,000/-. Accordingly this Court has no pecuniary jurisdiction to try the suit. Hence, he prayed to allow the application and reject the plaint in the interest of justice.

9. The law relating to rejection of plaint is well settled. For rejection of plaint, only the averments in the plaint have to be looked into and written statement of the defendants cannot be considered. At this juncture it is necessary to rely upon the decision rendered by the Hon'ble Supreme Court in the case of **Soumik Sil Vs. Subhas Chandra Sil 2015 SCC 732** has held as under:-

“Materials which may be considered to sustain and justify an order of rejection of plaint, must be determined solely in terms of what is averred in the plaint and not on what plaintiff pleads in appeal or in some other suit”.



The same view was taken by the Hon'ble Appex Court in the case of **AIR 2013 SC 3912** as under:-

“In order to consider an application under Order 7 Rule 11, the Court has to scrutinize the averments /pleas in the plaint. At that stage case of the defendant in the written statement are wholly irrelevant as the application for rejectment of the plaint has to be decided only on the averments of the plaint”.

10. Before passing any order with regard to this application, it is necessary to know about the said provisions.

Order VII Rule 11 of C.P.C. reads as under:-

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 written 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 comply with the provisions of Rule 9.

11. The application filed U/o 7 Rule 11 of CPC, can be considered when there is no cause of action, if the suit barred by law, any other grounds stated therein, then only plaint can be rejected. In the present suit grounds made out in the affidavit is that the suit schedule property is worth Rs.5,50,000/- and this Court does not have jurisdiction to try the suit when the value of the land exceeds more than Rs.5,00,000/-. On the other side plaintiff contention is that, defendant has sworn false affidavit, the plaintiffs have valued their suit on the basis of the sale deed. On due perusal of the documents and submission made by the both parties. This Court thinks that, when the value of the suit is exceeds the pecuniary jurisdiction of the Court then, the Court can return the plaint instead of rejecting the plaint U/o 7 rule 11 of CPC. Further the plaint cannot be rejecting only on the ground that this court does not have pecuniary jurisdiction to try the suit. Therefore, the grounds made out by the defendant No.2 in the



above application are not sufficient to allow the same. Hence this point No.1 is answered in the **Negative**.

12. Point No.2:- In view of finding on Point No.1, this Court proceed to pass the following;

ORDER

**IA filed by the defendant No.2 U/o 7
Rule 11 of CPC is hereby dismissed.**

**Under the circumstances of the case,
no order as to cost.**

*(Dictated to the stenographer directly on computer, print out taken by her, then corrected and pronounced by me in the open court on **06th Day of July 2026**).*

Sd/-
(VINAY .V. KUNDAPUR)
II Addl. Civil Judge & JMFC.,
KANAKAPURA



(Order pronounced in open court
vide separate order)

ORDER

IA filed by the defendant No.2 U/o
7 Rule 11 of CPC is hereby dismissed.

Under the circumstances of the
case, no order as to cost.

**II Addl. Civil Judge & JMFC.,
KANAKAPURA**

*For issues
Call on 12.08.2026*

**II Addl. Civil Judge & JMFC.,
KANAKAPURA**