

KASM310017482023



**IN THE COURT OF I ADDITIONAL CIVIL JUDGE
& JMFC., AT BHADRAVATHI.**

Present: **Sri. RAVI KUMARA. V. BA.L.,L.L.B.,**
c/c I Additional Civil Judge & JMFC.,
Bhadravathi.

DATED THIS THE 17th DAY OF FEBRUARY, 2026

O.S.No.184/2023

Plaintiff : Smt. Girijamma
w/o late Ramachandra,
Aged about 70 years,
r/o Mavinakere colony,
Bhadravathi Taluk,
Shivamogga District.

V/s

Defendant : Halappa s/o Bilayanaika
aged about 75 years,
r/o Mavinakere colony,
mavinakere post, Bhadravathi Taluk.
Shivamogga district.

I.A.No.VI

Applicant : Halappa

**(Rept. by Sri. A. N. Pani Bhooshan
& Rekha B., Adv)**

V/s

Opponent : Smt. Girijamma

(Rept. by Sri. H. Pandarinath, Advocate)

ORDERS ON I.A.No.VI

The defendant filed this IA under Order 7 Rule 11(a) and (d) read with Sec.151 of CPC praying to reject the plaint.

2. In the affidavit accompanying to the IA, the defendant stated that, he preferred an appeal before the Hon'ble Additional Senior Civil Judge and JMFC, Bhadravathi in MA 34/2024 by challenging the order passed by this court on IA.I. The said appeal was allowed, the orders passed by this court by allowing the IA.I was set aside and the Hon'ble appellate court has held that, documents produced by the

defendant clearly discloses his possession in the suit property and therefore, mere suit for injunction cannot be maintained by the plaintiff without seeking the relief of declaration. He contending that, said observation by the Hon'ble appellate court has points out the concept of cloud casted on the title of the plaintiff over the suit property and therefore, he cannot maintain this suit for mere injunction. He also contending that, in view of aforesaid legal infirmity, plaint must be rejected at the earliest point of time as there is bar under law to proceed further with the suit. Hence, he prays to allow IA and to reject the plaint.

3. On the contrary, the learned counsel for the plaintiff has filed his objection to the IA and contending that, said IA is not maintainable either on law or under facts. He contending that, no good grounds are made out by the defendant to reject the plaint and he come up with this IA., only to protract the proceedings. He contending that, the defendant created and manipulated some documents by

colluding with the revenue authorities and obtained the orders from the Hon'ble appellate court by misleading the facts. He further contending that, the defendant is in possession of suit property by virtue of grant made in the year 1981 and hence, she can perfectly maintain the suit for mere injunction. Accordingly, plaintiff prays to dismiss the IA.

4. In view of the rival contentions of both the parties, the following points are arises for my consideration;

1. Whether the defendant has made out a ground to allow this IA and reject the plaint?

2. What order?

5. I have heard both the parties and carefully perused the entire materials available before this court.

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

Point No.1 : **In the Negative.**

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

REASONS

7. Point No.1:- It should be kept in mind that, Order 7 Rule 11 of CPC empowers the court to reject the plaint whenever such plaint averments does not fulfill the parameters emphasized under Sub Rule (a) to (f). The defendant filed this IA under Order 7 Rule 11(a) and (d) of CPC and praying for rejection of the plaint. Sub Rule (a) empowers the court to reject the plaint when it does not disclose cause of action and whereas the court can reject the plaint when it appears from the statement of the plaint to be barred by any law, as per Sub Rule (d).

8. Here, the plaintiff is contending that, as per the observations made by the Hon'ble appellate court in MA 34/2024, which was filed by challenging the orders of this court passed on IA.I by granting Temporary njunction in favour of plaintiff, the plaintiff cannot maintain mere suit for injunction without seeking the relief of declaration of his title to the suit property. The defendant claims that, in view of said observation, the plaintiff cannot maintain this suit and

court also cannot proceed further in this suit as same is barred by law. Accordingly, he prays to allow the IA.

9. It shall be always kept in mind that, Order 7 Rule 11 of CPC mandates that, a court can only look into the plaint averments to find out whether the suit suffers from any legal infirmity as covered under Sub Rule (a) to (f) and based on such plaint averments only, it can reject the plaint. It is very well established possession of law that, the court cannot go beyond the plaint averments or cannot look into the defence of the other side or look into any documents produced before it for exercising its power under Order 7 Rule 11 of CPC. The said four corner rule mandates the court to read the plaint allegations as if they were true and if the statement made under the plaint does not disclose a cause of action or makes it appear that, the suit is barred by any law, then only the court can reject the plaint. It is well established law that, the court cannot reject the plaint simply because the defendant produced a document, which is contrary to the

claim of the plaintiff nor it can look into written statement contention filed by him. This basic principles of law is very well settled in catena of decisions of Hon'ble Apex court, including the recent decision in ***Shakthi Bhog Food Industries Limited vs Central bank of India : (2020) 17 SCC 260.***

10. Under the above said circumstances, the grounds urged by the defendant to rejected the plaint,shall be rejected in threshold. It is true that, in MA 34/2024 the Hon'ble appellate court while deciding the appeal filed against the orders of this court by granting the temporary injunction order under Order 39 Rule 1 and 2 of CPC, has observed that, the document produced by the defendant before it discloses his possession in the suit property and therefore, the plaintiff cannot maintain the suit for mere injunction without seeking declaratory relief.

11. With great respect to the said observation made by the Hon'ble appellate court, the above observation cannot

become ground for rejection of the plaint as contended by the defendant as per above settled position of law. Though the observation of the appellate court indicate that, the defendant is in possession of the suit property, the said fact and document produced by the defendant is nothing but subject matter of the trial and the plaintiff has right to cross examine the defendant and challenge the genuinity of document during the trial. Moreover, the credibility of the document produced by the defendant before the appellate court is always subject matter of the trial and not a ground for rejection of the plaint at the threshold. Similarly, the observation made by the Hon'ble appellate court on an order passed by this court on an interlocutory application cannot be accepted as a final verdict for dismissing the claim of the plaintiff at threshold. The same will be nothing but against to the settled position of law.

12. Admittedly, this is a suit for permanent injunction, where the plaintiff is only required to prove his lawful possession in the suit property as on the date of this

suit. A careful reading of entire plaint allegations would nowhere disclose anything about the plaintiff pleading regarding denial of his title by the defendant in the suit property. All along his plaint, the plaintiff has stated that, he is in possession of the suit property as its owner and defendant interfering with her possession thereof by trying to encroach towards its Eastern side. None of the contents of plaint indicate anything about the defendant denying the title of the plaintiff to the suit property. When the statement made in the plaint itself does not disclose anything about the denial of plaintiff's title, he can certainly maintain a suit for mere injunction. As already said, the genuinity of document produced by the defendant before the appellate court and proof of his defence can be only matter of trial and cannot be ground for rejection of plaint.

13. Under the aforesaid facts and circumstances, this court is of the considered opinion that, present IA is totally

devoid of merits and liable to be dismissed. Accordingly, I answer point No.1 is in the **Negative**.

14. Point No.2:- Resultantly, I proceed to pass the following;

ORDER

IA.VI filed by the defendant
under Order 6 Rule 11(a) and (d) read
with Sec.151 of CPC is dismissed.

No orders as to cost.

(Dictated to the Stenographer, translated, computerized by him, corrected and then pronounced by me in open court this **17th day of February, 2026**)

(Ravi Kumara V.)
c/c 1st Additional Civil Judge &
JMFC., Bhadravathi.

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