

IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC
AT: GUBBI

Dated this the 1st day of August 2025

:Present:

**Sri. KIRAN S.P., B.B.M., LL.B.,
Prl. Civil Judge & JMFC, Gubbi.**

OS No.151/2018

Plaintiff : - Mahesh.K.R

V/s.

Defendants : - Gangaraju and another

CAUSE TITLE ON IA NO.6

Applicant : - Gangaraju (defendant No.1)

(By Sri.A.M.R., Advocate)

V/s.

Respondents : - Mahesh.K.R (plaintiff)

(By Sri.A.S.C., Advocate)

:ORDER ON I.A. No.6:

The defendant No.1 has filed IA No.6 U/o 7 rule 11(a) and (b) of CPC seeking to reject the plaint as it does not disclose a cause of action and the relief claimed is undervalued.

02. In the accompanying affidavit, it is stated that, the defendant No.1 came to know that, the plaintiff has not stated the cause of action and the suit is under

valued. The application U/O.7 Rule 11 can be adjudicated at any stage of the proceedings before the conclusion of the trial. The plaintiff and defendant No.1 had been divided their ancestral properties including their father and sister in the year 2011 under unregistered partition deed, but same has not been came into force for some physical enjoyment reasons, due to that the plaintiff and defendant No.1 including their father and sister have entered another unregistered partition deed in the year 2013. As per the said document, the plaintiff and defendant No.1 had exchanged some properties through registered document. By virtue of the same, the katha and pahani had been mutated, when such being the case plaintiff had filed the suit against the defendants by creating cause of action and also filing the above suit by paying under valued as per his claim in the plaint. Hence, there is no cause of action to file the suit. On these grounds he prays to allow the application.

03. This application is resisted by the plaintiff by filing objection. It is stated in the objection that, the application is not maintainable either in law or on fact and same is liable to be dismissed in limine. The applicant has sworn false affidavit each and every one of the allegations stated in the affidavit are all concocted, created story by the applicant. The plaintiff stated cause of action in page 2 at para no.5 at line No.3 and the plaintiff has correctly valued the suit under proper provisions of law and paid correct Court fee. If the Court

directs the plaintiff to pay other Court fee, he is ready to pay the Court fee has directed by the Court. On these grounds he prays to dismiss the application.

04. Heard both side. Perused the materials available on record.

05. The points that arises for consideration are as follows:

1. Whether the application is entitled to be allowed?

2. What order ?

06. The findings on the above points are as follows;

1. Point No.1 : In the negative.

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

REASONS

07. POINT NO.1:- The suit is filed against the defendants for the relief of declaration and for permanent injunction. The entire reading of the plaint contains the bundle of facts which caused the plaintiff to bring the suit.

8. The defendant No.1 contended that the suit of the plaintiff does not disclose the cause of action and the suit is under valued.

Para No.2 to 6 of the plaint stated facts and circumstances which compelled the plaintiff to bring the suit. There is no any strict formula to states the cause of

action in plaint. The series of facts and circumstances are very well appears to be the cause of action for the suit. Issue with regard to valuation, the defendant No.1 has not stated the said fact in the written statement and moreover it is curable defect. This is a suit for the year 2018, evidence of plaintiff side was already commenced and when the case was posted for cross examination of PW.1, this application is filed praying to reject the plaint. It is settled principles of law that the written statement averments cannot be looked into for determination of the provision under Order 7 Rule 11 of CPC. Looking into the nature of the suit and nature of contention, this Court is of the opinion that, at this stage, the plaint cannot be rejected. ***Accordingly point No.1 is answered in the negative.***

9. POINT NO.2:- For the forgoing reasons, I proceed to pass the following;

ORDER

**I.A no.6 filed by the defendant No.1
under Order 7 Rule 11(a) and (b) of CPC is
hereby rejected with cost of Rs.200/-.**

(Dictated to the stenographer, transcribed by him, corrected and then pronounced in the open Court on this the 1st day of August 2025)

**(KIRAN S.P)
Prl. Civil Judge & JMFC,
Gubbi**