



IN THE COURT OF THE ADDL.CIVIL JUDGE AND
JMFC., Sira

Present: **KUM. SHARMILA E.J.**, B.A LL.B., LL.M.,

Addl. Civil Judge & JMFC., Sira.

Dated this the **16th** day of **March 2026**

O.S. 388/2024

Plaintiff : Smt.Hanumanthamma

(By Sri.J.A., Advocate)

-V/s-

Defendants : Sri.Mallesh and another

(By Sri.B.N.A., Advocate)

I.A. No.2

Applicant : Sri.Mallesh (Defendant No.1)

-V/s-

Opponent : Smt.Hanumanthamma (Plaintiff)

i	Provision under which the application is filed	Order VII Rule 11 (a) and (d) R/w Sec.151 of CPC.
ii	Relief sought for	Rejection of plaint
iii	The date on which the application is filed	03.02.2025
iv	Number of the application	IA.No.2
v	The date on which the objections are filed by different opponents	01.07.2025
vi	The date on which the orders were passed on the said application	16.03.2026



ORDER ON IA NO.2

This application is filed by defendant No.1 under Order VII Rule 11(a) and (d) read with Section 151 of the Code of Civil Procedure, 1908 seeking rejection of the plaint filed by the plaintiff on the grounds stated in the accompanying affidavit.

2. It is averred in the affidavit annexed to the application that the plaintiff has filed the present suit seeking declaration of title over the suit schedule property, contending that the same was purchased under a registered sale deed dated 26-07-1976 from one Govindaiah S/o Peddaiah. It is further contended that the said plaintiff, along with her sons, has already alienated the entire extent of the said land under registered sale deeds dated 09-09-1981 in favour of the father of defendant Nos.1 and 2, and also in favour of Murudabasappa S/o Basappa, for valuable consideration. Therefore, according to the defendant, the plaintiff has no subsisting right, title or interest in the suit schedule property as on the date of filing of the suit. It is further averred that subsequent to the said purchases, the purchasers and thereafter their legal representatives have been in possession and enjoyment of their respective portions, and the relevant revenue records stand in their



names. In spite of having full knowledge of the said transactions, the plaintiff has filed the present suit by suppressing the material facts. It is contended that the plaintiff does not disclose a cause of action and the suit is not maintainable in law. On these grounds, the defendant no.1 has sought the rejection of the plaintiff.

3. The plaintiff has filed objections to the said application contending that the application is not maintainable either in law or on facts and is devoid of merits. It is further contended that the suit schedule property was originally owned by Govindaiah S/o Peddaiah, who sold the same to the plaintiff under a registered sale deed dated 26-07-1976, and possession of the property was delivered to the plaintiff on the same day. It is further contended that pursuant to the said sale deed, the revenue records have been mutated in the name of the plaintiff and the same continue to stand in her name. Since the date of purchase, the plaintiff has been in continuous possession and enjoyment of the suit schedule property. The plaintiff has further denied the contention of the defendants that she has alienated the suit schedule property and asserts that she has not sold the property to anybody at any point of time. It is also contended that the defendants have not produced any document to substantiate their allegations and the issues involved in



the suit are mixed questions of law and fact, which can only be adjudicated after a full-fledged trial. Hence, the plaintiff has prayed for dismissal of the application.

4. Heard the learned counsel for the plaintiff and defendants during the course of argument and also carefully perused the application, enclosed affidavit, objections and materials on records.

5. The points that arise for consideration of this Court are as under:

P O I N T S

1. Whether the applicant/defendant No.1 has made out just and sufficient grounds for allowing I.A.No.2 filed U/Order VII Rule 11 (a) and (d) R/w 151 of CPC?

2. What order ?

6. This Court answers to the above points as under;

Point No.1 : In the Negative.

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

R E A S O N S

7. **Point No.1:** On perusal of the plaint, it is seen that the plaintiff has filed the present suit seeking the relief of declaration of title and permanent injunction in respect of the suit schedule property, contending that she



purchased the same under a registered sale deed dated 26-07-1976 from one Govindaiah S/o Peddaiah and that she has been in possession and enjoyment of the same since the date of purchase. The defendant No.1 has filed the present application under Order VII Rule 11(a) and (d) of CPC contending that the plaintiff has already alienated the entire extent of the suit schedule property under registered sale deeds dated 09-09-1981 in favour of the father of defendant Nos.1 and 2 and one Murudabasappa S/o Basappa, and therefore the plaintiff has no subsisting right, title or interest over the suit schedule property. Hence, according to the defendant, the plaint does not disclose any cause of action and the suit is not maintainable.

8. As per Order VII Rule 11 of the CPC, a plaint shall be rejected in the following circumstances:

- (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 to comply with the provisions of Rule 9.

Provided that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp-paper shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp-paper, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff.

9. In the present suit, the application is filed under clauses (a) and (d) of Order VII Rule 11 CPC, namely, for non-disclosure of cause of action and on the ground that the suit is barred by law. Under Order VII Rule 11, a duty is cast on the Court to determine whether the plaint discloses a cause of action by scrutinizing the averments in the plaint, read in conjunction with the documents relied upon by the plaintiffs, and further, whether from the statements in the plaint itself the suit appears to be barred



by any law. It is a well-settled principle of law that while deciding an application under Order VII Rule 11 CPC, only the averments in the plaint must be considered, and not the defense raised in the written statement. The test is whether, assuming the facts pleaded in the plaint to be true, they disclose a cause of action to grant the relief prayed for. Further, a cause of action refers to a bundle of facts which, taken with the law applicable to them, gives the plaintiff a right to relief against the defendants. It need not be elaborately stated, but must be ascertained from a reading of the plaint as a whole. The settled position of law is that a plaint can be rejected at the threshold only if, from the statements contained in the plaint itself, the suit appears to be barred by law. The defense or documents relied on by the defendant cannot be the basis to invoke the said provision. A plaint can be rejected only if it does not disclose a cause of action, or if from the statements made in the plaint itself the suit appears to be barred by law.

10. On careful perusal of the plaint averments, this Court finds that the plaintiff has specifically pleaded that she purchased the suit schedule property under a registered sale deed and that she has been in possession and enjoyment of the same since the date of purchase. The plaintiff has also alleged interference by the defendants



with her possession and therefore has sought the relief of declaration of title and permanent injunction. These averments, prima facie disclose a cause of action to seek the relief of declaration and permanent injunction. Thus, the plaint sets out a clear bundle of facts which, if proved, may entitle the plaintiffs to relief. Therefore, the plaint cannot be said to be without cause of action. The contention of the defendant that the plaintiff has already alienated the suit schedule property under registered sale deeds is a matter of defence raised by the defendant. Such a defence cannot be gone into while deciding an application under Order VII Rule 11 of CPC, as the Court is required to consider only the averments made in the plaint and not the defence taken by the defendant. Whether the plaintiff has in fact alienated the suit schedule property as alleged by the defendant, and whether the defendant No.1 or his predecessors are in possession of the property, are all matters which require appreciation of evidence and adjudication after a full-fledged trial. These questions cannot be decided at the threshold while considering an application for rejection of the plaint.

11. Further, from the statements made in the plaint, it cannot be inferred that the suit is barred by any law. The bar pleaded by the defendant is not apparent on the face



of the plaint. Hence, clause (d) of Order VII Rule 11 CPC is also not attracted. While considering the application U/Order VII Rule 11 of CPC, it is well settled law that, the question is not as to what defendant pleaded, but what is pleaded in the plaint is necessary and plaint averments must be considered. It is relevant to refer the ratio laid down by the Hon'ble Apex Court of India in *Mayar (H.K.) Ltd. And others V. Owners and Parties, Vessel M.V. Fortune Express and others*, reported in (2006) 3 SCC 100 wherein it was held in paragraph-12 as:

“12. From the aforesaid, it is apparent that the plaint cannot be rejected on the basis of the allegations made by the defendant in his written statement or in an application for rejection of the plaint. The court has to read the entire plaint as a whole to find out whether it discloses a cause of action and if it does, then the plaint cannot be rejected by the court exercising the powers under Order 7 Rule 11 of the Code. Essentially, whether the plaint discloses a cause of action, is a question of fact which has to be gathered on the basis of the averments made in the plaint in its entirety taking those averments to be correct. A cause of action is a bundle of facts which are required to be proved for obtaining relief and for the said purpose, the material facts are required to be stated but not the evidence except in certain cases



where the pleadings relied on are in regard to misrepresentation, fraud, wilful default, undue influence or of the same nature. So long as the plaint discloses some cause of action which requires determination by the court, the mere fact that in the opinion of the Judge the plaintiff may not succeed cannot be a ground for rejection of the plaint.”

Accordingly, in the present suit, the plaint discloses a cause of action and does not, on the face of its averments, appear to be barred by law. By considering all these facts and circumstances of the case, this Court is of the opinion that the defendant No.1 has not made any grounds for allowing I.A.No.2. Hence, the grounds urged by the defendant for rejection of plaint are not tenable and accordingly, this Court answers **Point No.1 in the Negative.**

12. Point No.2: For the aforesaid reasons, this court proceeds to pass the following;

ORDER

I.A.No.2 filed by the defendant No.1 under Order VII Rule 11(a) and (d) R/w Sec.151 of Code of Civil Procedure is hereby dismissed.



No order as to costs.

(Dictation given to the Stenographer, transcribed and computerized by him, corrected, and then pronounced by me in the open court on this the **16th day of March, 2026**)

Sd/-

(Sharmila E.J.)

Addl., Civil Judge & JMFC.,
Sira.