

IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC,
SHAHAPUR

Dated this the 02nd day of May- 2026

Present: Smt. Hema Pastapur, B.A.,L.L.B.
SENIOR CIVIL JUDGE & JMFC,
SHAHAPUR.

OS No.122/2021

Plaintiffs: Smt. Basamma W/o Vaijanath Reddy

(By Sri.N.L.M.,Advocate)

Defendants: Vishwanath Reddy and others.

(Defendant No.1 by Sri.M.D.P.,Advocate)
(Defendants No.4 to 6 by Sri. R.M.H.,
Advocate)
(Defendants No.7 & 8 by
Sri. M.N.P.,Advocate)
(Defendants No.2 and 3-Exparte)

IA No.VIII

Dated: 06-12-2025

Objections filed on 28-01-2026

Disposal off IA No.VIII dated 02-05-2026

ORDERS ON IA No.VIII

1. That, the defendants No.7 and 8 have filed the application under Order VII Rule 11(a) and (d) R/w Section 151 of Civil Procedure Code with a prayer to reject the plaint as there is no cause of action to file the present suit and the present suit is barred by law.
2. That, the defendant No.7 in his affidavit has stated

that, the plaintiff and defendant No.1 and their family and legal necessity have executed the registered Sale deeds document bearing NO.1013/2000-01 dated 21-08-2000, 1012/2000-01 dated 21-08-2000 and 1014/2000-01 dated 21-08-2000 in respect of the suit schedule property infavour of the father of the defendants No.7 and 8 and as per the said deeds the father of the defendants No.7 and 8 as become of absolute owner of the said properties. That, the defendant No.7 has further contended that the suit is barred by limitation and there is cause of action to file the present suit. Hence, prayed for rejecting the present suit.

3. That, the plaintiff filed the detailed objections to the said application and I have gone through the same.

4. That, I have heard arguments and perused the materials placed on record. That, the following points arise for My consideration and determination:-

1. Whether the present plaint is liable to be rejected as prayed for?
2. What order?

5. That, My answer to the aforesaid points are as

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

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

following;

REASONS

6. **Point No. 1:** That, the said defendants No.7 and 8 as discussed above have claimed for rejecting the present plaint.

7. It is to be noted here that, rejection of the plaint under Order VII Rule 11 of Code of Civil Procedure, is a drastic power conferred in the Court to terminate a civil action at the threshold. That, the averments in the plaint that has to be read as a whole to find out whether it discloses a cause of action or whether the suit is barred under any law. It is only if the averments in the plaint ex facie do not disclose a cause of action or on a reading thereof the suit appears to be barred under any law the plaint can be rejected. That, in all other situations, the claims will have to be adjudicated in Course of the trial.

8. It is to noted here that, as stated above the averments in the plaint that has to be read as a whole to find out whether it discloses a cause of action or whether the suit is barred under any law. Hence, the

present application is liable to rejected. Hence, without much discussion, point No.1 is answered in the **NEGATIVE.**

9. **Point No.2:** That, as discussed on point No. 1, I proceed to pass the following:

-ORDER:-

That, the application filed by the defendants No.7 and 8 under I.A.No.XIV is hereby rejected.

(Directly dictated to the typist-copyist, typed by him, corrected by me and then pronounced in the open Court on this 02nd day of May-2026).

**(Hema Pastapur)
Senior Civil Judge & JMFC,
Shahapur.**