

KAMS030090152017



**IN THE COURT OF THE V ADDL. CIVIL JUDGE &
JMFC AT MYSURU.**

PRESENT: Smt.Usharani B.N.,
B.A., LL.B., L.L.M.,
V Addl.Civil Judge & JMFC.,
Mysuru.

Dated this the 19th day of June, 2026

O.S. / 1198 / 2017

Plaintiff: Syed Attar
-V/s-

Defendants: Mysuru Urban Development Authority,
Mysuru and another

IA No.VIII

Applicant: Jagadeeshwaran Kodandapani
.... (2nd Defendant)
-V/s-

Opponent: Syed Attar
.... (Plaintiff)

1.	Provision under which the application is filed	Under Order 7 Rule 11 of CPC
2.	Relief sought for	To reject the plaint
3.	The date on which application is filed	06.06.2025

4.	No. of the application	VIII
5.	The date on which the objections are filed by different opponents	19.11.2025
6.	The date on which the orders were passed on the said application	19.06.2026

ORDERS ON I.A.No.VIII

This is an application filed by the applicant/defendant Under order 7 Rule 11 of C.P.C. seeking to reject the plaint in the interest of justice and equity.

2. In the accompanying affidavit the defendant No.2 has stated that, the plaintiff has filed the suit against the defendants for the relief of mandatory injunction and declaration in respect of the suit schedule property. It is stated that the 1st defendant has developed a residential layout at Vijayanagara, 1st stage, Mysuru and under the provisions contained in Karnataka Urban Development Authorities Act of 1991 (to sale corner and commercial sites) the MUDA has conducted a public e-auction on 31.10.2017, in which the defendant No.2 was being the highest bidder has got allotted the suit schedule

site for a value of Rs.1,91,27,000/-, out of which the 2nd defendant has paid 25% of the total bid value i.e., Rs.47,81,750/- and the defendant No.1 has issued auction confirmation letter dated 21.11.2017 of the suit schedule property to defendant No.2. Further, the defendant No.1 has issued no objection certificate dated 21.11.2017 to defendant No.2 for the purpose of availing financial facilities from bank for full settlement of value of site.

3. Further, it is stated that after receipt of full value of schedule site the 1st defendant represented by its special Tahashildar executed an absolute sale deed dated 01.01.2018 in favour defendant No.2, in which ownership of suit schedule site has been conveyed from defendant No.1 to defendant No.2. Further, it is stated that towards registration of sale deed the 2nd defendant has paid 1% TDS to the Income Tax Department and after purchase of suit schedule site the Mysuru City Corporation, Mysuru

has issued khatha endorsement dated 07.08.2019 in respect of suit schedule property to defendant No.2 and he is paying tax to the corporation. Such being the case the claim of plaintiff is illegal and it is pertinent to note that the defendant No.1 has issued endorsement dated 05.08.2019 to defendant No.2 stating that one person by name Mahalakshmi W/o. Thimma Shetty has sold the site to the plaintiff by creating false documents and plaintiff has filed a suit. The defendant No.1 has already filed a complaint of forgery before Lakshmipuram Police Station. Further, the defendant No.1 has reiterated that allotment has been made through e-auction and received entire consideration amount and executed a sale deed in favour of 2nd defendant and layout has been handed over to the jurisdiction city corporation and the defendant No.2 has advised to contact Mysuru City Corporation, Mysuru for khatha of suit schedule site.

4. Further, it is stated that, the defendant No.1 in his written statement has denied the entire case of the plaintiff and confirmed the ownership of the suit schedule property in favour of 2nd defendant and the 1st defendant has clearly mentioned that the documents of plaintiff are forged, concocted and illegal documents. The defendant No.2 is having an absolute ownership with clear marketable title and he is in peaceful possession and enjoyment of suit schedule property. The 2nd defendant is presently working and residing at Dubai, he has appointed his co-brother by name L.Balasubramanyam to represent the suit on his behalf.

5. Further it is stated that, the 2nd defendant has purchased the suit schedule property from MUDA, and the plaintiff has filed this suit to make unlawful gain. There is no cause of action for the suit and the alleged cause of action shown by the plaintiff is created and invented just for the sake of filing the suit which is barred

by limitation and the same is baseless. The valuation made by the plaintiff is incorrect and certainly does not apply to the plaintiff. The plaintiff has filed this suit by suppressing the material facts and the plaintiff has not come up with clean hands. If the application is not allowed the defendant No.2 will be put to great humiliation and hardship. Per contra no hardship will be caused to the plaintiff. Among these grounds, prayed to reject the plaint.

6. On the other hand, the plaintiff filed objection denying the entire averments of the application and contended that, the application filed by the defendant No.2 is not maintainable either in law or on facts and liable to be dismissed. Further it is contended that the plaintiff is not aware of the fact that the defendant No.1 has filed complaint of forgery before the Lakshmipuram police station. Unless and until final adjudication is made by this court any defense taken in the written statement

of the defendants at this stage is of no use in considering the application on hand.

7. Further it is contended that, the 2nd defendant has not made sufficient grounds in his affidavit which attracts the provision of law under which the present application is filed. The 2nd defendant has come up with this application only with an intention to cause hardship and inconvenience to the plaintiff. The plaintiff has filed this suit on 17.11.2017 and also maintained an interim application i.e., IA No.1 U/O 39 Rule 1 and 2 of CPC against the MUDA authorities from executing any kind of documents of any nature pertaining to the suit schedule property in personance of the public auction held by MUDA in the name and favour of any person pending disposal of the suit. This court has granted temporary injunction order dated 20.11.2017 on IA No.1 and the plaintiff has complied the orders as per law and filed compliance affidavit dated 21.11.2017. On 08.12.2017

the MUDA authority engaged a counsel and the interim order passed was extended till further vide its order dated 27.08.2018 and the same is in force. In spite of having the knowledge, the MUDA authority got executed the alleged sale deed dated 01.01.2018 in favour of the 2nd defendant, which shows the authority is indulging in such an illegal act. Regarding the same the plaintiff has already maintained an application U/O 39 Rule 2(a) r/w Sec.151 of CPC, which is pending for consideration. Among these grounds, plaintiff prayed to reject the application with exemplary costs.

8. Now following points arises for consideration of this court:

1. Whether the applicant/defendant No.2 has made out sufficient grounds to reject the plaint as sought for?

2. What order?

9. After going through the records and hearing the parties the above points are answered as follows:

Point No.1 : **In the Negative**
Point No.2 : As per final order
for the following :-

REASONS

10. **Point No.1:-** The plaintiff has filed suit against the defendants for the relief of permanent and mandatory injunction and declaration. The defendant No.2 has filed the present application to reject the plaint. Before considering this application, it is relevant to quote the provision of Order 7 Rule 11 of CPC., which reads as follows;

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 provision of Rule 9.

11. As far as the question of rejection of plaint is concerned, the plaint has to be rejected only based on the plaint averments and not on the contention of the defendant. The rejection of plaint under the grounds as mentioned in Order 7 Rule 11 of C.P.C. which is clear and unambiguous since the grounds mentioned by the defendant No.2 does not fall within the same. Thus, in the absence of grounds as contemplated in the above provision it cannot be held that the plaint is to be rejected. Hence, at this stage the defendant No.2 has clearly failed to convince the court to reject the plaint under this application. Accordingly, this court answered **Point No.1 in the “Negative”**.

9. **Point No.2:** In view of the above discussion on point No.1, this court proceeds to pass the following:

ORDER

I.A.No.VIII filed by the
applicant/defendant No.2 under
Order 7 Rule 11 of CPC is hereby
rejected.

No order as to cost.

[Dictated to the Stenographer directly on computer, typed by her, revised, corrected and then pronounced by me in the Open Court on this the **19th day of June 2026**]

(USHARANI B.N)
V Addl. Civil Judge & JMFC,
Mysuru.

(Order pronounced in open court
Vide separate)

ORDER

I.A.No.VIII filed by the
applicant/defendant No.2
under Order 7 Rule 11 of CPC
is hereby rejected.

No order as to cost.

For cross-examination of
PW1 by 15.07.2026.

**V Addl. C.J. & JMFC,
Mysuru.**