



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CIVIL REVISION PETITION NO. 296 OF 2019 (IO)

BETWEEN:

1. SRI. VENKATARAJU
S/O LATE NARASIMHAIAH,
AGED ABOUT 61 YEARS
2. SRI N MOHAN KUMAR
S/O LATE NARASIMHAIAH,
AGED ABOUT 58 YEARS
3. SRI N NARASIMHAMURTHY
S/O LATE NARASIMHAIAH,
AGED ABOUT 49 YEARS

ALL ARE R/O.NELLUKUNTE VILLAGE,
TUBUGERE HOBLI,
DODABALLAPUR TALUK,
BENGALURU RURAL DISTRICT - 561 203.

...PETITIONERS

(BY SRI. RAGHAVENDRA V., ADVOCATE)

AND:

1. SMT. ASHWATHAMMA
W/O.LATE MUTHAPPA,
AGED ABOUT 69 YEARS
2. SRI RAMAMURTHY
S/O LATE NARAYANAPPA,
AGED ABOUT 49 YEARS



3. SMT BHAGYAMMA
D/O LATE NARAYANAPPA,
AGED ABOUT 47 YEARS
4. SMT MUTHAKKA @ MUTHAMMA
D/O LATE NARAYANAPPA,
AGED ABOUT 45 YEARS
5. SRI SHANKARAPPA @ SHANKAR
S/O LATE NARAYANAPPA,
AGED ABOUT 43 YEARS
6. SRI PAPEGOWDA
S/O LATE NARAYANAPPA,
AGED ABOUT 41 YEARS
7. SRI KRISHNAPPA
S/O LATE CHIKKANARASIMHAIAH,
AGED ABOUT 71 YEARS
8. SMT CHOWDAMMA
W/O LATE G.N.PAPAIHAH @ PAPANNA,
AGED ABOUT 61 YEARS,
9. SRI NARASIMHAMURTHY
S/O LATE CHIKKANARASIMHAIAH,
AGED ABOUT 58 YEARS

RESPONDENTS NO.1 TO 9 ARE
R/AT GUNJUR VILLAGE,
TUBUGERE HOBLI,
DODDABALLAPUR TALUK,
BENGALURU RURAL DISTRICT - 561 203.

10. SMT KRISHNAMMA
D/O LATE NARASIMHAIAH,
AGED ABOUT 56 YEARS



11. SMT LAKSHMAMMA
D/O LATE NARASIMHAIAH,
AGED ABOUT 47 YEARS

R10 AND R11 ARE R/AT NELLUKUNTE VILLAGE,
TUBUGERE HOBLI,
DODDABALLAPUR TALUK,
BENGALURU RURAL DISTRICT - 561 203.

...RESPONDENTS

(BY SRI.GURUSWAMY K.S., ADVOCATE FOR R1 - R9 - ABSENT)

THIS CRP IS FILED U/S.115 OF CPC AGAINST THE ORDER
DATED 16.04.2019 PASSED ON IA.NO.II IN OS.NO.392/2017
ON THE FILE OF THE SENIOR CIVIL JUDGE, DODDABALLAPUR,
DISMISSING THE IA.NO II FILED UNDER ORDER 7 RULE 11(a)
AND (d) R/W SEC.151 OF CPC FOR REJECTION OF PLAINT.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri.Raghavendra V., learned counsel for the
revision petitioner. None appears for the respondents.

2. Defendant Nos.3, 4 and 6 are the revision
petitioners challenging the order passed on I.A.No.II by
order dated 16.04.2019 in O.S.No.392/2017 on the file of
Senior Civil Judge and JMFC, Doddaballapur.



3. Facts in brief which are utmost necessary for disposal of the revision petition are as under:

3.1 Revision petitioners filed a suit for bare injunction in O.S.No.300/2006 in respect of the suit property. Subsequently, plaintiffs filed a suit in O.S.No.392/2017 in respect of the same suit property for relief of declaration and injunction.

3.2 There is a dispute as to the title to the property as there are discrepancies in the entries of the revenue records. For the year 2008 – 2009, there was a revenue entry in the name of defendants in M.R.No.2/2011 by order dated 08.07.2011.

3.3 It is then, that the plaintiffs noticed and proceeded further with the correction of the revenue entries and thereafter, they filed the suit.

3.4 Cause of action paragraph in the plaint reads as under:



"That the cause of action for the suit arose on 05.10.2017 when the defendants tried to interfere with the plaintiffs peaceful possession and enjoyment over the suit schedule property and subsequently, within the jurisdiction of this Hon'ble Court."

3.5 According to the plaintiffs, it is on 05.10.2017, when the defendants tried to dispossess the plaintiffs from the suit property, they were constrained to file the present suit.

3.6 Based on the earlier proceedings and the decree that has been obtained in O.S.No.300/2006, defendants claim that the suit is utterly barred by limitation as well as there is no cause of action to the suit and the one mentioned in the plaint paragraph No.11 is an imaginary cause of action.

3.7 Accordingly, defendants filed an application before the Trial Court vide I.A.No.II under Order VII Rule



11(a) and (d) read with Section 151 of Code of Civil Procedure (hereinafter 'CPC' for short).

3.8 Said application on contest, came to be dismissed by impugned order.

4. Being aggrieved by the same, present revision petition is filed.

5. Learned counsel for the revision petitioner reiterating the grounds urged in the revision petition vehemently contented that the impugned order is *per se* wrong inasmuch as the question of *res judicata* was not an issue but suit is barred by limitation as well as there is no cause of action.

6. Learned Trial Judge in the impugned order has taken into consideration, if not in so many words, about the question of limitation and has recorded a finding that it is a mixed question of law and facts.



7. Having regard to the plaint averments in detail and long drawn revenue proceedings, this Court is of the considered opinion that the impugned order needs no interference having regard to the fact that question of limitation in the case on hand cannot be decided as a preliminary issue so as to throughout the plaint at the threshold.

8. Accordingly, the impugned order needs to be confirmed.

9. Hence, the following:

ORDER

Revision petition is ***dismissed***.

**Sd/-
(V SRISHANANDA)
JUDGE**

KAV
List No.: 1 Sl No.: 22