



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

REGULAR FIRST APPEAL NO. 2657 OF 2025 (SP)

BETWEEN:

1. SRI H S VIJAYAKUMAR,
S/O H.C. SANNASWAMY,
AGED ABOUT 45 YEARS,
OCCUPATION: AGRICULTURIST,
R/AT POOJEKOPPALU VILLAGE,
KASABA HOBLI,
HOLENARASIPURA TALUK,
HASSAN DISTRICT-580 024.
2. SRI H.C. SANNASWAMY,
S/O LATE CHOWDAIAH,
AGED ABOUT 68 YEARS,
OCCUPATION: AGRICULTURIST,
R/AT POOJEKOPPALU VILLAGE,
KASABA HOBLI, HOLENARASIPURA
TALUK, HASSAN DISTRICT-580 024.

...APPELLANTS

(BY SRI SHIVARAJU M K, ADVOCATE)

AND:

1. SHASHIDHARA H S,
S/O LATE SHIVARAMAIAH,
AGED ABOUT 67 YEARS,
R/AT T #01. S.L.V. RAYAL APARTMENT,
7TH MAIN, 2ND CROSS,
SUBHASH NAGARA,





KENGERI SATELLITE TOWN,
BENGALURU-560 060.

2. SRI JAGADEESHA,
S/O LATE SHIVARAMAIAH,
AGED ABOUT 62 YEARS,
R/AT NO.1131, 5TH A MAIN,
2ND STAGE, RAJAJINAGARA,
BENGALURU-560 010.
3. SRI BALAKRISHNA,
S/O LATE SHIVARAMAIAH,
AGED ABOUT 56 YEARS,
NO.2220, 3RD BLOCK,
VISHVESHWARA NAGARA,
BHUVANESHWARI NAGARA,
2ND STAGE, BENGALURU-751 001.
4. SRI KIRAN H.R.,
S/O LATE RAMESHA,
AGED ABOUT 38 YEARS,
R/AT NO.429,
A LAKSHMIKANTHA NAGARA,
HEBBALU, 1ST STAGE, METAGALLI POST,
MYSURU TALUK AND DISTRICT-570 004.
5. SMT. SUMA,
W/O SRI B.S. CHANDRAMOULI,
AGED ABOUT 58 YEARS,
R/AT NO.431, B.H. MICO LAYOUT,
BOMMASANDRA, BEGURU ROAD,
BENGALURU-560 099.

...RESPONDENTS

(BY SMT. USHA M S., ADVOCATE FOR C/R-1;
SRI S.V SRINIVAS, ADVOCATE FOR R-2;
SRI B.V KRISHNA, ADVOCATE FOR
SRI PRASHANTH CHANDRA S.N, ADVOCATE FOR R-3)

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THIS RFA IS FILED UNDER SECTION 96 OF CPC,
AGAINST THE ORDER DATED 01.09.2025 PASSED ON
I.A.NO.III IN OS.NO.6/2023 ON THE FILE OF THE SENIOR



CIVIL JUDGE AND JMFC, HOLENARASIPURA, ALLOWING THE I.A.NO.III FILED UNDER ORDER 7 RULE 11 OF CPC.

THIS APPEAL HAVING BEEN HEARD AND RESERVED ON 19.02.2026, COMING ON FOR PRONOUNCEMENT OF JUDGMENT, THIS DAY **VIJAYKUMAR A. PATIL J.,** DELIVERED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL)

This regular first appeal is filed under Section 96 of the Code of Civil Procedure, 1908, by the plaintiffs challenging the judgment and decree dated 01.09.2025 passed in O.S.No.06/2023 by the Senior Civil Judge and JMFC, Holenarasipura (for short 'the Trial Court').

2. The parties are referred to as per their rankings before the Trial Court.

3. The brief facts leading to filing of the appeal are that the plaintiffs have filed a suit in O.S.No.06/2023 seeking the relief of specific performance of the agreements of sale dated 10.04.2015, 05.07.2016 and



09.06.2017. In the said suit, the defendant No.1 filed an application seeking rejection of plaint on the ground that the plaint was filed beyond the period of limitation. The Trial Court, on consideration of the material on record and the provisions of law, proceeded to allow the application and rejected the plaint on the ground that it was filed beyond the period of limitation. Being aggrieved, this appeal is filed.

4. Sri.Shivaraju M.K, learned counsel appearing for the appellants-plaintiffs submits that the Trial Court has committed a grave error in allowing the application filed by the defendant No.1, without appreciating the material on record in its proper perspective. It is submitted that the Trial Court has failed to consider that the respondents have received an advance amount to the tune of Rs.26,50,000/- on 09.06.2017 and also executed the sharas on the rear side of the agreement of sale and acknowledged the same by affixing their signatures after the alleged cancellation. It is further submitted that the



Trial Court has failed to consider that in an application for rejection of plaint filed under Order VII Rule 11 of the CPC, only the averments in the plaint are to be considered and the written statement or any other evidence cannot be relied on. Hence, he seeks to allow the appeal.

5. *Per contra*, Smt.Usha M.S, learned counsel appearing for the respondent No.1, Sri.S.V.Srinivas, learned counsel appearing for the respondent No.2 and Sri.B.V.Krishna, learned counsel appearing for the respondent No.3 support the impugned order of the Trial Court and submit that the Trial Court has rightly appreciated the law on the point and proceeded to reject the plaint on the ground of limitation. Hence, they seek to dismiss the appeal.

6. We have heard the arguments of the learned counsel for the appellants-plaintiffs, learned counsel for the respondents-defendants and meticulously perused the material available on record. We have given our anxious



consideration to the submissions advanced on both the sides.

7. The point that arises for our consideration is:

"Whether the impugned judgment and decree calls for any interference?"

8. The material on record indicates that the plaintiffs have filed a suit in O.S.No.06/2023 seeking the relief of specific performance of the agreements of sale dated 10.04.2015, 05.07.2016 and 09.06.2017. In the said suit, the defendant No.1 filed an application seeking rejection of plaint on the ground that the plaint was filed beyond the period of limitation. The Trial Court, on consideration of the material on record and the provisions of law, proceeded to allow the application and rejected the plaint on the ground that it was filed beyond the period of limitation. The plaintiffs sought to enforce the agreements dated 10.04.2015, 05.07.2016 and 09.06.2017. It is not in dispute that the defendant No.1, who is the General



Power of Attorney holder of the executant-Sri.Shivaramaiah has issued a legal notice dated 05.07.2017 for cancellation of the agreement on certain grounds. The receipt of the notice is admitted in the plaint and hence, the plaintiffs had knowledge with regard to the cancellation of the agreement in question by the defendants. The records indicate that the executant-Sri Shivaramaiaha died on 13.06.2018. The plaintiffs did not take any steps to enforce his right under the agreements in question, till 2023. In our considered view, the intended enforcement of the agreements by the plaintiffs in the year 2023 after receipt of the notice dated 05.07.2017 for the cancellation of the agreement, is beyond the period of limitation provided under Article 54 of the Limitation Act, 1963. The Trial Court has rightly recorded the reason and held that the suit is barred by law of limitation and allowed the application for rejection of the plaint. We do not find any error or perversity in the finding recorded by the Trial Court. The alleged



subsequent endorsement on the agreement dated 09.06.2017 is prior to the cancellation of the agreement. Hence, there is no merit in such a contention.

9. For the aforementioned reasons, the appeal is devoid of merits and is accordingly rejected. Consequently, the pending interlocutory application stands disposed of.

No order as to costs.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

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List No.: 3 Sl No.: 7