



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V.HOSMANI

CIVIL REVISION PETITION NO. 100138 OF 2025

BETWEEN:

1. SMT.SUVARNA W/O IRAPPA HUBBALLI,
AGE 42 YEARS, OCC. AGRICULTURE,
R/O. GAMANAGATTI VILLAGE,
TQ. HUBBALLI, DIST. DHARWAD 580 025.
2. SRI BASAVARAJ S/O MALLESHAPPA HULAMANI,
AGE. 36 YEARS, OCC. AGRICULTURE,
R/O. GAMANAGATTI VILLAGE,
TQ. HUBBALLI, DIST. DHARWAD-580 025.
3. SRI PADEPPA S/O MALLESHAPPA HULAMANI,
AGE. 33 YEARS, OCC. AGRICULTURE,
R/O. GAMANAGATTI VILLAGE,
TQ. HUBBALLI, DIST. DHARWAD-580 025.
4. SRI BASAVARAJ S/O BASAVANNEPPA HULAMANI,
AGE. 61 YEARS, OCC. AGRICULTURE,
R/O. GAMANAGATTI VILLAGE,
TQ. HUBBALLI, DIST. DHARWAD-580 025.

...PETITIONERS

(BY SRI GN BADIGER, ADVOCATE)

AND:

SRI SHIVAPPA S/O CHANDRAPPA NEERAVARI,
AGE. 77 YEARS, OCC. AGRICULTURE,
R/O H.NO.HIG-27, 1ST MAIN ROAD,
NAVANAGAR, HUBBALLI,
TQ. HUBBALLI, DIST. DHARWAD-580 025.

...RESPONDENT

(BY SRI MALLIKARJUNSWAMY B. HIEMATH, ADVOCATE)

THIS CRP IS FILED UNDER SECTION 115 OF CPC, 1908
PRAYING TO SET ASIDE IMPUGNED ORDER ANNEXURE-E DATED
25.09.2025 PASSED BY THE HON'BLE II ADDL. SENIOR CIVIL JUDGE
AND JMFC AT HUBBALLI ON IA NO.VI IN OS NO.554/2024 AND REJECT
THE PLAINT ANNEXURE-A IN THE INTEREST OF JUSTICE AND EQUITY.

THIS CRP COMING ON FOR ADMISSION, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:



CORAM: THE HON'BLE MR. JUSTICE RAVI V.HOSMANI

ORAL ORDER

Challenging order dated 25.09.2025 passed by II Additional Senior Civil Judge and J.M.F.C., Hubballi (**'Trial Court'**, for short), in OS.no.554/2024 on I.A.no.VI filed under Order VII Rule 11 (a) to (d) read with Section 151 of Code of Civil Procedure, 1908 (**'CPC'**, for short), this revision petition is filed.

2. Sri G.N. Badiger, learned counsel for petitioners submitted that revision petition was by defendants no.2 to 5 in OS.no.554/2024 filed by plaintiff - respondent herein seeking for declaration of title by adverse possession and for consequential relief of permanent injunction in respect of suit property etc.

3. On appearance, defendants filed written statement and also I.A.no.VI under Order VII Rule 11 (a) to (d) of CPC for rejection of plaint. In plaint, plaintiff had stated that plaintiff's sister had purchased property bearing Block no.226/2 measuring 04 Acres 3 guntas of Gamangatti village under registered Sale Deed dated 24.07.1996 and thereafter gifted said property to plaintiff under registered Gift Deed dated 24.06.2006. It was also



stated, since time of plaintiff's sister, property was in her possession.

4. Plaintiff admitted defendants were owners of properties bearing Block no.226/1/ to 226/1/6 by virtue of partition in year 2009-2010. Though, it was stated, at that time, defendants had got PT sheet and 11(E) sketch prepared and therefore, aware that an extent of 3 guntas 3 annas in Block no. 226/1/5 and 1 Acre 5 guntas and 1 anna in Block no.226/1/6 were in possession of plaintiff, they did not take action. As such, plaintiff continued in possession and grew trees and put barbed wire fence with MS gate. Plaintiff also pleaded that defendants got their properties measured on 06.10.2024 and survey report found plaintiff to have encroached their properties and thereafter they had tried to dispossess plaintiff. On said cause of action, suit was filed.

5. It was submitted, when plaintiff admitted title of defendants over suit property, without any right, title or interest over suit property, he had filed suit for adverse possession that to without producing any material. Therefore, it was apparent that suit was without proper cause of action, and therefore, plaintiff liable for rejection. However under impugned order, trial



Court rejected application without proper appreciation of facts and circumstances of case.

6. Learned counsel sought to draw attention of this Court to Annexure-F - Survey Sketch got prepared by defendants in December, 2024 to reinforce his submission. Further, sought to contend that valuation of properties was not correct. On said ground, submitted, trial Court had committed material irregularity in passing order and, sought for allowing revision.

7. On other hand, Sri MB Hiremath, learned counsel for respondent – plaintiff opposed petition. At outset, it was submitted, though I.A.no.VI was filed invoking provisions under Order VII Rule 11 (a) to (d) of CPC, averments in affidavit filed in support of application did not contain any assertions insofar as to support contentions for rejection of plaint under Order VII Rule 11 (b) to (d) of CPC. Therefore, there was no justification to urge such contentions.

8. Insofar as bar under Order VII Rule 11 (a) of CPC, it was submitted that plaintiff was seeking relief of declaration of title by way of adverse possession and for consequential relief of injunction. Pleadings necessary to support said relief would be



starting point of adverse possession and its continuation till it fructified into claim for title, which would be accrual of cause of action for suit. Plaintiff contains assertion that plaintiff's predecessor in title i.e. his sister was in possession since date of purchase of property bearing Block no.226/2 under registered Sale Deed dated 24.07.1996. Defendants were also aware of plaintiff being in actual, continuous and peaceful possession of suit property since 2009-2010 when they got PT sheet and 11(E) sketch prepared at time of partition and phodi of properties. Insofar as accrual of cause of action, plaintiff stated that defendants had illegally sought to dispossess plaintiff on 22.11.2024 after they got their lands measured. Thus, there was sufficient material to substantiate cause of action and therefore, trial Court had rightly noted same and dismissed application.

9. Heard learned counsel, perused impugned order and other materials on record.

10. This revision petition is by unsuccessful defendants in I.A.no.VI filed for rejection of plaint under Order VII Rule 11 of CPC. Though, contentions were urged about plaint being liable for rejection under Order VII Rule 11 (a) to (d) of CPC, as rightly pointed out by learned counsel for plaintiff, application and



contents of affidavit filed in support of I.A.no.VI do not contain or support rejection of plaint under Order VII Rule 11 (b) to (d) of CPC. As such, consideration is confined to Order VII Rule 11 (a) of CPC.

11. Perusal of plaint reveals that plaintiff is seeking for relief of declaration of title by way of adverse possession and for consequential relief of permanent injunction in respect of suit property. In para-4 of plaint, plaintiff has stated about purchase of property adjacent to suit property and at that time, coming into possession of suit property. It is stated that even earlier to year 2009-10, suit property was in actual, continuous and peaceful possession of plaintiff/plaintiff's predecessor in title. In paras-6 and 12, averments about possession being hostile are pleaded and in para-18, it is stated after preparation of survey report by surveyor, defendants attempted to dispose plaintiff on 22.11.2024. On said cause of action, suit is stated to have been filed.

12. While passing impugned order, trial Court has noted above assertions to be sufficient to substantiate cause of action. Though it is observed defendants had failed to substantiate a



ground for rejection of plaint, contentions urged would be open during trial.

13. In view of above, I do not see any error apparent on face of record or illegal refusal by trial Court to exercise jurisdiction or exercise of jurisdiction not vested in it or order suffering from any material irregularity to entertain revision petition. Therefore, revision petition is ***dismissed*** at stage of admission.

Sd/-
(RAVI V.HOSMANI)
JUDGE

GRD, CT:VP
LIST NO.: 1 SL NO.: 50