



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

AND

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REGULAR FIRST APPEAL NO.200108 OF 2025 (RES)

BETWEEN:

MANAPPA VAJJAL S/O DEVAPPA VAJJAL,
AGED ABOUT 61 YEARS,
MLA, LINGASUGUR RESERVE CONSTITUENCY,
EX-CHAIRMAN, HATTI GOLD MINES COMPANY LTD.,
H.O. BENGALURU, R/O LINGASUGUR,
RAICHUR DISTRICT-584101.

...APPELLANT

(BY SRI S. P. KULKARNI, SENIOR COUNSEL FOR
SMT. SUMAN S. SIDHAPURKAR, ADVOCATE)

AND:

D. S. HULIGERI
S/O SANGAPPA HULIGERI,
AGED ABOUT 58 YEARS, OCC: EX-MLA,
LINGASUGUR RESERVE CONSTITUENCY,
R/O LINGASUGUR, RAICHUR DISTRICT-584101.

...RESPONDENT

(V/O DATED 17.03.2026, NOTICE TO RESPONDENT
IS HELD SUFFICIENT)

THIS REGULAR FIRST APPEAL IS FILED UNDER SECTION 96
AND ORDER 41 RULE 1 OF C.P.C. PRAYING TO CALL FOR THE
RECORDS IN O.S.NO.177/2021, ON THE FILE OF THE SENIOR CIVIL
JUDGE AND JMFC, LINGASUGUR II) SET ASIDE THE
JUDGMENT/ORDER AND DECREE DATED 05.12.2024 MADE ON

Digitally signed by
SHILPA R
TENTHALI
Location: HIGH
COURT OF
KARNATAKA



I.A.NO.3 FILED UNDER ORDER VII RULE 11(A) OF CPC AND REJECTING THE PLAINT IN O.S.NO.177/2021, PASSED BY SENIOR CIVIL JUDGE & JMFC, LINGASUGUR III) CONSEQUENTLY RESTORE THE PLAINT IN O.S.177/2021 FILED BY THE APPELLANT HEREIN AGAINST THE RESPONDENT BEFORE THE SENIOR CIVIL JUDGE AND JMFC, LINGASUGUR IV) GRANT SUCH OTHER AND FURTHER RELIEFS AS ARE JUST EVEN INCLUDING THE COSTS OF THIS APPEAL IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ
and
HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. The appellant is before this Court seeking for the following reliefs:

"i. Call for the records in O.S No.177/2021, on the file of the Senior Civil Judge& JMFC, Lingasugur.

ii. Set aside the Judgment / Order & Decree dated 05.12.2024 made on I.A.No.3 filed under Order VII Rule 11(a) of CPC and rejecting the plaint in O.S No.177/2021, passed by Senior Civil Judge& JMFC, Lingasugur.

iii. Consequently restore the plaint in O.S.177/2021 filed by the Appellant herein against the Respondent before the Senior Civil Judge& JMFC, Lingasugur.

iv. Grant such other and further reliefs as are just even including the costs of this Appeal in the interest of justice and equity."



2. The appellant had instituted a suit in O.S. No.177/2021 before the Court of the Civil Judge (Senior Division), Lingasugur, alleging defamation and seeking compensation/damages on that account. In the said proceedings, the defendant entered appearance and filed his written statement. Upon completion of pleadings, issues were framed and the matter was posted for evidence. The examination-in-chief of the plaintiff was concluded and the matter had reached the stage of cross-examination of PW.1. At that juncture, the defendant filed an application in I.A. No.III under Order VII Rule 11(a) of the Code of Civil Procedure, 1908 (for short, 'CPC') on 07.10.2023, seeking rejection of the plaint on the ground that the plaint did not disclose any real or legal cause of action.
3. The said application came to be allowed by the Trial Court vide the impugned order dated 05.12.2024. Aggrieved by the same, the appellant is before this Court seeking the reliefs as prayed for in the present appeal.
4. Notice having been issued to the respondent, the postal cover has been returned with the endorsement



“unclaimed”. In the circumstances, service of notice on the respondent has been held to be sufficient.

5. Sri S.P. Kulkarni, learned Senior Counsel appearing for the appellant, submits that the suit, as instituted, is one founded on allegations of defamation, wherein damages have been specifically claimed. He submits that the determination of whether the statements attributed to the defendant are defamatory in nature necessarily involves an appreciation of evidence, including the context, intent, and impact of the words used. Therefore, according to him, such a determination cannot be undertaken at a preliminary stage, particularly after the matter has already proceeded to the stage of trial.
6. He would further contend that the jurisdiction under Order VII Rule 11(a) CPC is circumscribed and is required to be exercised strictly on the basis of the averments contained in the plaint alone, without reference to the defence set up by the defendant. In the present case, however, the Trial Court has travelled beyond the plaint and has taken into consideration not only the averments made in the written statement but also the assertions contained in the affidavit filed in support of I.A. No.III.



7. Elaborating further, he submits that in the said affidavit, the defendant has sought to justify the language used by contending that the words are neither unparliamentary nor defamatory in nature, but are expressions commonly used in day-to-day parlance. Specific reference is made to the word "Bolimaga", which, according to the defendant, is a colloquial expression and cannot, by itself, constitute defamation. It is further contended therein that no reasonable person would interpret such words as defamatory.
8. Learned Senior Counsel submits that these contentions constitute defences on merits, which are required to be established through evidence and tested in cross-examination, and could not have been relied upon at the stage of considering an application under Order VII Rule 11(a) CPC.
9. It is his further submission that, while considering an application under Order VII Rule 11(a) CPC, the Court is required to confine itself strictly to the pleadings in the plaint to ascertain whether a cause of action has been disclosed. The Court is not permitted to:



- 9.1. evaluate the correctness or otherwise of the allegations,
 - 9.2. consider the defence of the defendant, or
 - 9.3. undertake any enquiry into disputed questions of fact.
10. According to him, so long as the plaint discloses a cause of action, however weak or tenuous it may appear, the same is sufficient to sustain the suit at the threshold. The veracity, sufficiency, and legal sustainability of such cause of action can only be adjudicated upon after a full-fledged trial, upon appreciation of oral and documentary evidence.
11. He would therefore submit that the impugned order, having been passed by taking into account extraneous material beyond the plaint averments and by effectively adjudicating upon disputed questions of fact at a preliminary stage, is unsustainable in law and liable to be set aside.
12. He relies upon the following judgments:

1. AIR 2003 SC 759 (Paras 7 to 10)

(Saleem Bhai Vs. State of Maharashtra)

2. AIR 2008 SC 3174 (Para 15 & 16)



[Kamala & Ors Vs. K.T.Eshwara Sa & Ors.]

3. 2015 AIR SCW 2922 (Paras 9,11 & 12)

(P.V.Gururaja Reddy Vs. P.Neeradha Reddy)

4. 2015 (1) ADR 305 (Para 15)

[Dr.(Prof.) Ashok Kumar Keshari Vs. Manika Gupta & Ors.]

5. 2019 AIR CC 3356 (MAD) (Para 9,10 &11)

[Sathiyam Media Vision Pvt.Ltd., Chennai Vs. Isha Foundation]

6. 2021 (1) KCCR 366 (DB) (Paras 7,8 & 9)

(Smt.Muniyamma Vs. Narayana Reddy)

7. 2021 (4) KCCR 2940 (Paras 2 & 3)

(Kalika Devasthana V.Mandli Vs. Veerupakshi)

8. AIR 2022 SC 1560 (Paras 4 & 5)

(Premalata @ Sunitha Vs. Naseeb Bee)

9. 2022 (3) KCCR 2166 (Paras 15,16,17 & 19)

(Sheshappa Vs. Gangamma)

10. 2022 (2) KCCR 1811 (Paras 10, 11 &12)

(B.Sumithra Rao Vs. Sneha)

11. C.R.P. 435/2022 (D.D.: 4.7.2023) H.P.Sandesh J

*(High Court of Karnataka Bengaluru) (Paras 15,18 & 20)
(Sri.Gangadhar & anr. Vs. B.Rajendra Reddy)*

12. 2023 (1) KCCR 775 (Paras 6 & 7)

(Mohammad Fayaz Ali Vs. State of Karnataka)

13. AIR Online 2023 SC 862 (Paras 9 to 11)

(Kum. Geetha Vs. Nanjundaswami)

14. C.R.P. 202/2023 (D.D.:23.5.2023) H.P.Sandesh J

*(High Court of Karnataka Bengaluru) (Paras 7 & 8)
(M.S.Basavaraj Vs. G.H.Hanumanthappa)*



15. 2023 (5) KCCR 1297 (Para 23 & 24)

[Sri. G.S. Mahendra Vs. Smt. Komala]

16. AIR ONLINE 2023 SC 1179 (Para 23, 24 & 26)

[Eldeco Housing & Industries Ltd. Vs. Ashok Vidyarthi]

17. 2022 SCC ONLINE SC 2024 (Para 5)

[H.S.Deekshit Vs. Metropoli Overseas Ltd.]

18. 2023 SCC ONLINE SC 1270 (Para 6 TO 10)

[G.Nagaraj Vs. B.P.Muruthyunjayanna]

19. 2023 SCC ONLINE 2023 SC 2459 (Para 5)

[Keshav Sood Vs. Kirti Pradeep Sood]

20. CRP 12/2024 DD 24.6.2024 (Para-10)

[Sri.Admar Mutt Kaliya Vs. Smt. Vishalakshi & Ors]

13. On the above basis, he submits that the above appeal is required to be allowed and the impugned order passed by Trial Court, rejecting the plaint set aside, suit restored and the matter be remitted to the Trial Court for fresh consideration.
14. Heard the learned Senior Counsel Sri S.P.Kulkarni for the appellant, perused the documents as also the judgments relied upon by the appellant.
15. Though a large number of judgments have been relied upon by the learned Senior Counsel appearing for the appellant, this Court is of the considered view that the controversy which arises for determination is



essentially elementary and foundational in nature, and does not warrant an elaborate review of the precedents cited.

16. The core issue is whether the jurisdiction vested in the Trial Court under Order VII Rule 11 of the Code of Civil Procedure, 1908 has been exercised in accordance with the well-settled legal parameters governing the said provision.
17. It is trite law, consistently reiterated by the Hon'ble Apex Court as well as this Court in a catena of decisions, that while considering an application under Order VII Rule 11 CPC, the Court is required to confine its scrutiny strictly to the averments made in the plaint. The plaint must be read as a whole, in a meaningful and not formalistic manner, to ascertain whether it discloses a cause of action. It is equally well settled that the Court may, for this limited purpose, also look into the documents annexed to and forming part of the plaint, as such documents constitute an integral part of the pleadings.
18. At the same time, the Court is empowered to examine whether the plaint is the result of clever or artificial drafting, whereby an illusory or vexatious cause of action is sought to be projected so as to



avoid rejection at the threshold. However, such an enquiry must remain confined to the material placed by the plaintiff himself. The Court cannot embark upon a roving enquiry, nor can it test the correctness or otherwise of the averments. The exercise is one of demurrer, wherein the Court proceeds on the assumption that the facts pleaded in the plaint are true, and determines whether, on such assumption, a cause of action is disclosed.

19. Thus, the scope of enquiry under Order VII Rule 11 CPC is narrow, circumscribed, and confined, and does not permit adjudication on disputed questions of fact or evaluation of rival contentions.
20. Equally well entrenched is the principle that, while adjudicating an application under any clause of Rule 11 of Order VII CPC, the Court cannot take into consideration the written statement, the defence raised therein, or any explanations or justifications put forth by the defendant, whether in the written statement or in an affidavit filed in support of such application. The defence of the defendant, howsoever strong or plausible, is wholly irrelevant at this stage.
21. The reason underlying this limitation is that the stage of Order VII Rule 11 CPC is not one for adjudication



of the rights of the parties, but only for determining whether the plaintiff has disclosed a cause of action to maintain the suit. If the Court were to consider the defence, it would effectively convert the summary jurisdiction under Order VII Rule 11 into a mini trial, which is impermissible.

22. In the present case, however, the Trial Court has clearly transgressed these settled principles. A perusal of the impugned order would indicate that the Trial Court has not confined itself to the plaint averments, but has proceeded to consider the defence of the defendant, including the explanations offered in the affidavit filed in support of I.A. No.III. On that basis, the Trial Court has returned findings to the effect that the suit is a bogus litigation, instituted under a "frustrated state of mind" arising out of political circumstances, and with the object of harassing the defendant.
23. Such findings are, by their very nature, findings on facts and motive, which cannot be arrived at without evidence. The recording of such conclusions at the threshold stage not only falls outside the scope of Order VII Rule 11 CPC but also results in prejudging the issues that are required to be tried in the suit.



24. The Trial Court has further proceeded to characterise the suit as false and motivated by political considerations. This Court is unable to countenance such an approach. The determination as to whether a suit is false, vexatious, or motivated necessarily involves:
- 24.1.an assessment of the credibility of the parties,
 - 24.2.evaluation of oral and documentary evidence,
and
 - 24.3.consideration of the surrounding circumstances.
25. Such an exercise can only be undertaken after a full-fledged trial, and not at a preliminary stage on the basis of pleadings alone, much less on the basis of the defendant's version.
26. It must be borne in mind that the power under Order VII Rule 11 CPC is an extraordinary and drastic power, which results in the termination of a suit at the very threshold, without affording the plaintiff an opportunity to establish his case. Such power, therefore, must be exercised sparingly and with circumspection, and only in cases where the plaint, on its face, fails to disclose a cause of action or is otherwise barred by law.



27. In the present case, the plaintiff has categorically pleaded that certain statements made by the defendant have harmed his reputation and constitute defamation, thereby entitling him to damages. These averments, if taken at face value, do disclose a cause of action for defamation. Whether such allegations are ultimately proved is a matter that lies within the domain of trial.
28. The question as to whether the words allegedly used are defamatory in nature cannot be determined in the abstract or in isolation. It depends upon several factors, including:
- 28.1.the context in which the words were spoken,
 - 28.2.the audience to whom they were addressed,
 - 28.3.the intent and knowledge of the speaker, and
 - 28.4.the impact on the reputation of the plaintiff.
29. These are all matters which require evidence to be led and tested through cross-examination. The defence that the words are part of common parlance, or that no reasonable person would consider them defamatory, is a matter of justification or



explanation, which can only be adjudicated upon at trial.

30. The Trial Court, by accepting such explanations at the interlocutory stage, has effectively adjudicated upon the merits of the dispute, which is clearly impermissible.
31. In the aforesaid circumstances, this Court is of the considered opinion that the Trial Court has completely misdirected itself in invoking Clause (a) of Rule 11 of Order VII CPC. Instead of confining itself to the limited enquiry as to whether the plaint discloses a cause of action, the Trial Court has embarked upon an evaluation of the merits of the case, examined the defence of the defendant, and recorded findings of a serious nature, including that the suit is false, frivolous, and motivated.
32. Such an approach defeats the very purpose of Order VII Rule 11 CPC and results in a premature adjudication of the dispute, without affording the parties an opportunity to lead evidence. The jurisdiction under the said provision is not intended to short-circuit the trial, but only to weed out cases where, even on a plain reading of the plaint, no cause of action is disclosed.



33. Once it is found that the plaint contains the necessary averments constituting a cause of action, the Court has no option but to permit the suit to proceed to trial, leaving it open to the defendant to establish his defence in accordance with law.
34. In the present case, the plaint cannot be said to be devoid of a cause of action. The findings recorded by the Trial Court are based on considerations which are wholly extraneous to the scope of Order VII Rule 11 CPC. The impugned order, therefore, is unsustainable and liable to be set aside, as it reflects a clear jurisdictional error coupled with a misapplication of settled legal principles.
35. In that view of the matter, We pass the following:

ORDER

- i. The Regular First Appeal is allowed.
- ii. The judgment and decree dated 05.12.2024 in terms of the order passed on application under Clause (a) of Rule 11 of Order VII of CPC (I.A.No.III) is set aside.
- iii. O.S.No.177/2021 is restored to the file of Senior Civil Judge and JMFC, Lingasugur.



- iv. The Trial Court is directed to proceed from the stage that it was left off and complete the proceedings as expeditiously as possible.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

SRT
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