



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CIVIL REVISION PETITION NO. 492 OF 2024 (IO)

BETWEEN:

1. SMT. RAJAMMA
D/O LATE L. RACHAIAH
AGED ABOUT 61 YEARS
R/O NO. 16/21, JAIBHEEM NAGAR
2ND STAGE, KEB ROAD, BANNUR
MYSURU TALUK, MYSURU DISTRICT - 571 101.
2. SMT. HEMAVATHI
D/O LATE L. RACHAIAH
AGED ABOUT 51 YEARS,
R/O NO. 84, 3RD MAIN, 4TH CROSS,
LALITHA MAHAL NAGAR
MYSURU - 570 002.
3. MANJULA R
AGED ABOUT 48 YEARS
D/O LATE L. RACHAIAH
R/O NO. 3176/I, II EDIGA
PULAKESHI ROAD, SHIVAJINAGAR
BANNIAMNATAP POST,
MANDI MOHALLA MYSURU - 570 015.
4. SMT. VIJAYARATNA R
AGED ABOUT 44 YEARS
D/O LATE L. RACHAIAH
R/O NO. 3176/I, II EDIGA

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signed by
MALATESH
K C
Location:
HIGH
COURT OF
KARNATAKA



PULAKESHI ROAD, SHIVAJINAGAR
BANNIAMNATAP POST, MANDI MOHALLA
MYSURU - 570 015.

5. R. CHANDRASHEKAR
AGED ABOUT 46 YEARS
S/O LATE L. RACHAIAH
R/O NO. 3176/I, II EDIGA,
PULAKESHI ROAD, SHIVAJINAGAR
BANNIAMNATAP POST
MANDI MOHALLA, MYSURU - 570 015.

6. SMT. SUSHMA R @ KANTHALAKSHMI
D/O LATE RACHAIAH
AGED ABOUT 43 YEARS
R/O NO. 276, 3RD A MAIN
4TH CROSS, SUBHAS NAGAR
MYSURU - 570 007.

7. SUDEEP KUMAR R
AGED ABOUT 39 YEARS
S/O LATE L. RACHAIAH
R/O NO. 3176/I, II EDIGA
PULAKESHI ROAD, SHIVAJINAGAR
BANNIAMNATAP POST, MANDI MOHALLA
MYSURU - 570 015.

...PETITIONERS

(BY SRI. HALLI SHANTAPPA BASAPPA, ADVOCATE)

AND:

1. SMT. MANCHAMMA @ CHIKKATHAYAMMA
W/O LATE RACHAIAH
AGED ABOUT 77 YEARS
R/O NO. 1216, "AASHIRWAD",



1ST CROSS, K BLOCK
RAMAKRISHNA NAGAR, VASU LAYOUT
MYSURU - 570 022

2. SMT. SARASWATHI R
D/O LATE RACHAIAH
AGED ABOUT 57 YEARS
O NO. 1216, "AASHIRWAD",
1ST CROSS, K BLOCK
RAMAKRISHNA NAGAR, VASU LAYOUT
MYSURU - 570 022
3. R. KRISHNAMURTHY
AGED ABOUT 55 YEARS
S/O LATE L. RACHAIAH
R/O NO. 3176/I, II EDIGA
PULAKESHI ROAD, SHIVAJINAGAR
BANNIAMNATAP POST
MANDI MOHALLA, MYSURU - 570 015.
4. ERANNA
S/O LATE VERRAIAH,
AGED ABOUT 74 YEARS
R/O ANNAVALU VILLAGE
MELUKOTE HOBOLI, PANAVALPURA TALUK
MANDYA DISTRICT.
5. CHANDRAPPA
S/O ANNAVALU VILLAGE
MELUKOTE HOBOLI, PANAVALPURA TALUK
MANDYA DISTRICT.

...RESPONDENTS

(BY SRI. MAHESHA M, ADVOCATE FOR R1 TO R3;
SRI. Y.V. PRAKASH, ADVOCATE FOR
SRI. Y.K. NARAYANA SHARMA, ADVOCATE FOR R4 AND R5)



THIS CRP IS FILED UNDER SECTION 115 OF CPC., AGAINST THE ORDER DATED 18.03.2023 PASSED ON IA NO.1 IN OS NO.995/2020 ON THE FILE OF VI ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, MYSURU., PARTLY ALLOWING THE IA NO.I FILED UNDER ORDER 7 RULE 11(d) OF CPC., FOR REJECTION OF PLAINT AS NOT MAINTAINABLE.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

By consent of the parties, heard on merits of the matter.

2. Plaintiffs are the revision petitioners challenging the impugned order rejecting the plaint in part in O.S.No.995/2020 on the file of Senior Civil Judge and CJM, Mysuru.

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



The suit in O.S.No.990/2020 came to be filed for the following prayer in respect of following immovable properties which reads as under:

"Wherefore, the plaintiffs pray that this Hon'ble Court be pleased to pass judgment and decree in favour of the plaintiffs, as against the defendants,

(a) For partition and separate possession of 1/10th share of the plaint schedule properties.

(b) to declare that the Sale Deed executed in favour of Veerannna Defendant no.4, by defendant no.1, on 02/11/1990 is null and void and not binding on the plaintiffs.

(c) Court cost and such other reliefs, as this Hon'ble court deems fit under the circumstances of the case, in the interest of justice and equity.

SCHEDULE

I. House property bearing Door No.3176/1, situated at II Ediga, Pulikeshi Road, Near Mantaeswamy Temple, Mandimohalla, Mysuru-15. Measuring East to West 15 Feet and North to South 40 Feet, constructed of Mangalore Tile House, Bounded on:

East by: House of L. Lingaiah

West by: House of Gulzar



North by: Road

South by: Road

II. Agricultural Land property situated at Anuvalu Village, Melukote Hobli, Pandavapura Taluk, Mandya District and Mysuru District, bearing Sy.No.22/1 measuring 4 acres 2 Guntas and in Survey No.22/2, 5 Acres 1 Gunta, Bounded on:

East by: Government Kembara Halla

West by: Land of Mallaiah

North by: Land of Eraiah and Shambulingaiah

South by: Land of Chennaiah (herein referred to as suit schedule properties)"

4. Pursuant to the suit summons issued, it is respondent Nos.4 and 5 who are defendant Nos.4 and 5 who opposed the suit by filing the written statement and also filed application under Order VII Rule 11 of Code of Civil Procedure to reject the plaint.

5. Suit is being one for partition by the daughters, the learned Trial Judge noting that respondent Nos.4 and 5 being the bonafide purchasers of the property, rejected the plaint in respect of B schedule property which is



purchased by respondent No.4 which in turn has been gifted in favour of respondent No.5.

6. Being aggrieved by the same, plaintiff is before this Court.

7. Sri. Halli Shanthappa Basappa, learned counsel for the petitioner reiterating the grounds urged in the petition contended that the approach of the Trial Court in rejecting the plaint partly is totally unknown to law and such a procedure is not correct and sought for allowing the petition.

8. Per contra, Sri. Y.V. Prakash, learned counsel for contesting respondent Nos.4 and 5 however, tried to justify the impugned order by contending that when alienation took place, there was no amendment to Section 6 of the Hindu Succession Act, 1965 and therefore there was no right that has accrued to be plaintiffs. Therefore, alienation made by the male members of joint family in favour of respondent No.4 which is in turn gifted to



respondent No.5 i.e., mother of plaintiffs, is just and proper.

9. Having heard the arguments on both sides, this Court perused the material on record meticulously.

10. On such perusal of material on record, the Trial Court misdirected itself in finding out that the mother who is the vendor of respondent No.4 had competence and absolute power to alienate the property was the subject matter of the suit which requires recording of evidence.

11. Further alienation of B- schedule property by way of gift by respondent No.4 to respondent No.5 is again the matter of trial in view of fact that competence of mother of the plaintiffs selling B-schedule property in favour of respondent No.4.

12. Thus, rejecting the plaint in part only in respect of B-schedule property in the considered opinion of the Court is an incorrect order requiring interference of this Court under Section 115 of Code of Civil Procedure.



13. Further, expressing any opinion on the merits of the matter, would definitely hamper the rights of the parties during the trial in one way or the other.

14. Thus, desisting from expressing any opinion on the merits of the matter, if the impugned order is set aside and parties are directed to workout their remedy before the Trial Court by placing necessary oral and documentary evidence on record would meet the ends of justice.

15. Accordingly, the following:

ORDER

- i. Revision Petition ***allowed***.
- ii. Impugned order dated 18.03.2023 passed on IA No.1 in O.S.No.995/2020 on the file of VI Additional Senior Civil Judge and JMFC, Mysuru, is set aside.
- iii. Plaint is restored in respect of B schedule property as well.



- iv. Parties are at liberty to canvass all favourable points on merits of the matter in accordance with law uninfluenced by observation made by this Court in this matter.

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

SSD
List No.: 1 Sl No.: 28