

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 30TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

CIVIL REVISION PETITION NO.100157 OF 2025

BETWEEN:

1. CHIKGOWDRU BASAVANAGOWDA
S/O. LATE CHIKGOWDRU
MAHADEVANAGOWDA,
AGE. 78 YEARS,
OCC. AGRICULTURE,
R/O. UTTANGI VILLAGE,
TQ. HUVINAHADAGALI,
DIST. VIJAYANAGARA-583219.
2. CHIKGOWDRU NAGANAGOWDA
S/O. LATE CHIKGOWDRU
MAHADEVANAGOWDA,
AGE. 74 YEARS,
OCC. AGRICULTURE,
R/O. UTTANGI VILLAGE,
TQ. HUVINAHADAGALI,
DIST. VIJAYANAGARA-583219.

Digitally signed
by
MOHANKUMAR
B SHELAR

Location: High
Court of
Karnataka,
Dharwad Bench

...PETITIONERS

(BY SRI. N.P. VIVEKMEHTA, ADVOCATE)

AND:

1. SMT. MANGALA @ G. REKHA
W/O. G. KOTRESH
AGE. 42 YEARS,
OCC. HOUSEWIFE,

R/O. HOLAGUNDI VILLAGE,
TQ. HUVINAHADAGALI,
DIST. VIJAYANAGARA-583219.

2. SMT. PATIL MALLAMMA
W/O. LATE LINGANAGOWDA PATIL
AGE. 81 YEARS,
OCC. AGRICULTURIST,
R/O. BUDIHAL VILLAGE,
TQ. MUNDARAGI, DIST. GADAG.
PRESENTLY RESIDING AT
KHB COLONY,
BEHIND AGRICULTURAL OFFICE,
TQ. HUVINAHADAGALI,
DIST. VIJAYANAGARA-583219.

...RESPONDENTS

(R1-HELD SUFFICIENT;
R2-DISPENSED WITH)

THIS CIVIL REVISION PETITION IS FILED UNDER SECTION 115 OF CPC, PRAYING TO SET ASIDE THE ORDER OF THE COURT OF ITINERARY SENIOR CIVIL JUDGE HUVINHADAGALI DATED 31.10.2025 PASSED ON IA NO.6 IN O.S.NO.74/2022 AND ALLOW THE IA NO.6 BY ALLOWING THIS PETITION & ETC.

THIS CRP HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 28.01.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV ORDER

1. This Civil Revision Petition has been filed under Section 115 of the Code of Civil Procedure, 1908, challenging the order dated 31-10-2025 passed by the Court of Itinerary Senior Civil Judge, Huvinahadagali in I.A. No.6/2025 in O.S. No.74/2022.

2. The facts in brief are that the original suit was filed by the plaintiff seeking partition and declaration of her share in the joint family property. The petitioners, who are defendants in the suit, filed I.A. No.6/2025 before the trial Court seeking rejection of the plaint under Order VII Rule 11 CPC on the grounds that there was no cause of action, the plaint was undervalued, the plaintiff could not file a partition suit during the lifetime of her father, and the trial Court lacked pecuniary jurisdiction. The trial Court dismissed the application, holding that the plaint disclosed a prima facie cause of action and that issues relating to valuation, pecuniary jurisdiction, or the merits of the plaintiff's entitlement could not be decided at the threshold stage. Being aggrieved by the said order, the petitioners have approached this Court seeking to set aside the trial Court's order.

3. Notice to Respondent No.1 is held sufficient, and notice to Respondent No.2 is dispensed with.

4. The learned counsel for the petitioners contended that the plaint was not maintainable, reiterating that the suit was undervalued, no cause of action arose for the defendants, the plaintiff could not maintain a partition suit during the lifetime of her father, and that the trial Court lacked pecuniary jurisdiction to entertain the suit. Accordingly, the learned counsel prayed to allow the petition by setting aside the impugned order.

5. Having perused the record and heard the learned counsel for the petitioners, this Court finds that the trial Court has correctly applied the law. Under Order VII Rule 11 CPC, a plaint can be rejected only in limited circumstances, namely where it does not disclose a cause of action, the suit is barred by law, or the plaint is undervalued in a manner that is incurable. In the present case, the plaint clearly discloses a cause of action arising from the plaintiff's share in the joint family property, and the issues raised by the petitioners require adjudication on evidence and cannot be decided at the stage of rejection of the plaint.

6. Accordingly, no error or illegality is found in the trial Court's order. In view of the above, this Court proceeds to pass the following:

ORDER

- (i) The Civil Revision Petition is dismissed.
- (ii) The order dated 31-10-2025 passed by the Court of Itinerary Senior Civil Judge, Huvinahadagali in I.A. No.6/2025 in O.S. No.74/2022 is upheld.
- (iii) Records shall be returned to the trial Court.
- (iv) No costs.

**Sd/-
(DR. K.MANMADHA RAO)
JUDGE**

RSH,CT:VP