



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 21 OF 2026 (IO-)

BETWEEN:

1. SMT. THILOTHAMA S RAI
W/O LATE SANJEEVA RAI
AGED ABOUT 68 YEARS
2. SMT. RADHIKA
D/O LATE SANJEEVA RAI
AGED ABOUT 38 YEARS
3. SRI. KRISHNAPRASAD RAI
S/O LATE SANJEEVA RAI
AGED ABOUT 33 YEARS
4. SMT. KRISHNAVENI
D/O LATE SANJEEVA RAI
AGED ABOUT 29 YEARS

Digitally signed
by SUVARNA T
Location: HIGH
COURT OF
KARNATAKA

ALL ARE RESIDING AT PADUMALE HOUSE,
PADUVANNUR VILLAGE,
PUTTUR TALUK,
D.K. DISTRICT PIN - 574 313.

...PETITIONERS

(BY SRI. DIVEEN VARMA B., ADVOCATE)

AND:

MR. CHANDRAPRASAD RAI



S/O LATE VEDAVATHI S RAI
AGED ABOUT 48 YEARS
R/AT SEETHARAMA MAHAL
ARALIKATTE HOUSE
NETTANIGE MUDNOOR VILLAGE,
ISHWARAMANGILA POST,
PUTTUR TALUK, D.K. DISTRICT

...RESPONDENT

(RESPONDENT IS SERVED)

THIS CRP IS FILED UNDER SECTION 115 OF CPC, AGAINST THE ORDER DATED 15.11.2025 PASSED ON I.A.NO.VIII IN OS.NO.7/2020 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND ACJM AT PUTTUR D.K, REJECTING THE I.A.NO.VIII FILED UNDER ORDER VII RULE 11(a) (d) OF CPC.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present revision petition is filed by the petitioners aggrieved by an order passed on IA No.VIII in OS No.7/2020 dated 15.11.2025, on the file of the Principal Senior Civil Judge and ACJM, Puttur, whereby the trial Court had dismissed the application filed under Order VII Rule 11(a)(d) of CPC .



2. The respondent herein has filed a suit for partition. In that, the present IA came to be filed by the defendants under Order VII Rule 11 CPC. In the affidavit that is filed in support of IA, it is stated that the plaintiff has filed the suit for partition of the properties of Sanjeeva Rai. The contention of the plaintiff is that he is the son of Vedavathi Rai, who is the wife of Sanjeeva Rai, and as such, Vedavathi Rai as wife inherited the properties of the husband and he being the son of Vedavathi Rai has got one fifth share along with defendants No.1 to 4. According to the plaintiff, the defendant No.1 is not the legally wedded wife of Sanjeeva Rai. Instead she lived like a kept mistress. Due to which defendants No. 2 to 4 were born to them. Hence, along with them, the plaintiff also has one fifth share.

3. It is a case of the defendants that the plaintiff is not the son of either Vedavathi Rai or Sanjeeva Rai and as such he has no right in the properties of Sanjeeva Rai. Apart from the same, Sanjeeva Rai during his lifetime has



transferred the properties to the defendants by executing registered Settlement Deeds dated 19.02.2025 and 27.01.2010 registered at the Sub-Registrar's Office, Puttur and same is produced along with the written statement and accordingly, RTC is also entered in their names. Therefore, question of inheriting the same by Vedavathi Rai does not arise and therefore, the suit is barred by limitation. It is their case that defendant No.1 is the illegally wedded wife of Sanjeeva Rai and defendants No.2 to 4 are their children. He has transferred the properties to the defendants by executing a registered Settlement Deed dated 27.01.2010 and the same was registered before Sub Registrar's Office, Puttur. Basing on these grounds, they sought for rejection of the plaint.

4. The trial Court by order impugned had dismissed the application. While dismissing the application, the Trial Court observed that on a perusal of the plaint it clearly discloses the cause of action and also *prima facie* does not appear to be barred by any law. They have



stated that the suit is barred by law, but they have not stated any provision of law under which the suit is barred. In a suit for partition, the relief of Declaration that Settlement deed or Sale deed is not binding is not a necessary relief to be sought by the plaintiff. The reason being that the validity of the Sale deed is dependent on the outcome of the suit. Hence, the trial Court has held that there are no grounds to reject the plaint and accordingly dismissed the application.

5. Learned counsel appearing for the petitioners has submitted in line with the averments made in the affidavit and further it is submitted that the defendants are the sons of Sanjeeva Rai and it is also stated that the plaintiff is not the son of Sanjeeva Rai. In fact, he is an adopted son of Vedavathi Rai. When all the properties belonging to Sanjeeva Rai are settled in favour of the defendants who are the children of Sanjeeva Rai, the question of partitioning those properties would not arise. It is submitted that along with the written statement they



have filed all these documents to show that the properties are settled upon the defendants. Further, it is submitted that this is a registered document. As per Section 3 of the Transfer of Property Act, it is a constructive notice to the parties and the suit is barred by limitation. He relied on Para 13 of the judgment of the Apex Court in the case of ***Uma Devi and others Vs. Anand Kumar and others***¹ which reads thus:

"13. A registered document provides a complete account of a transaction to any party interested in the property. This Court in Suraj Lamp and Industries (P) Ltd. C. State of Haryana & Another (2012) 1 SCC 656 held as under:

"15.... '17 Registration of a document [when it is required by law to be, and has been effected by a registered instrument] gives notice to the world that such a document has been executed.

18. Registration provides safety and security to transactions relating to immovable property, even if the document is lost or destroyed. It gives publicity and public exposure to documents thereby preventing forgeries and frauds in regard to transactions and execution of documents. Registration provides information to people who may deal with a property, as to the nature and extent of the rights which persons may have, affecting that property. In other words, it enables people to find out whether any particular property with which they are concerned, has been subjected to any legal obligation or liability and who is or are

¹ (2025) 5 SCC 198



the person(s) presently having right, title, and interest in the property. It gives solemnity of form and perpetuate documents which are of legal importance or relevance by recording them, where people may see the record and enquire and ascertain what the particulars are and as far as land is concerned what obligations exist with regard to them. It ensures that every person dealing with immovable property can rely with confidence upon the statements contained in the registers (maintained under the said Act) as a full and complete account of all transactions by which the title to the property may be affected and secure extracts/copies duly certified”.

Relying on this he submitted that on these counts there is no cause of action, the suit is bared by limitation and the plaint has to be rejected.

6. Respondent was served. But no Valakath is filed.

7. Having heard the learned counsel for the petitioners, perused the material on record.

8. The suit is for partition. The plaintiff claims that he is entitled for partition as he is the adopted son of Vedavathi Rai who is the wife of Sanjeeva Rai and after his death the properties devolved upon Vedavathi Rai and he being the adopted son he is entitled for the properties.



According to the defendants, Vedavathi Rai is not the wife. In fact, defendant No.1 is the wife of Sanjeeva Rai and during his lifetime, by way of documents of the year 2005 and 2010, he has settled these properties in favour of the defendants who are his wife and children. According to the petitioners, as it is a registered document, it is in the constructive notice of the public and a suit filed in the year 2020 is barred by limitation.

9. The contentions that are raised by the petitioners cannot be appreciated for the following reasons: (i) When the application is filed under Order VII Rule 11 CPC, seeking rejection of the plaint, the Court has to consider the plaint and also the documents that are filed along with the plaint. The trial Court has rightly held that there is a cause of action. The plaintiff has come before the Court stating that he is entitled for the partition being the adopted son of Vedavathi Rai. Whether Vedavathi Rai is the wife of Sanjeeva Rai or not has to be decided by way of a full-fledged trial.



(ii) Then next coming to the Settlement Deeds of the year 2005 and 2010, those are the documents that were relied upon by the defendants and it is settled law that while considering the application for rejection, Court would not look at either the written statement or the documents that were filed along with the written statement. In those circumstances, considering the plaint averments, the trial Court has rightly held that there is a cause of action and also held that they have not questioned that the documents are not binding on them and the trial Court gives a finding that it is not necessary and accordingly rejected the IA.

10. In the considered opinion of this Court, there are no grounds to interfere with the order passed by the trial Court. Hence, this Court is passing the following:

ORDER

- i. Accordingly, the Civil Revision Petition is ***dismissed.***



- ii. All the contentions are left open to the parties.
- iii. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

tsn*

List No.: 1 Sl No.: 34