



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 139 OF 2026 (IO)

BETWEEN:

1. SRI B DEEPAK
S/O LATE B BORAIAH
AGED ABOUT 51 YEARS
2. SRI B GOWTHAM
S/O LATE B BORAIAH
AGED ABOUT 49 YEARS
3. SMT B PREETHI
D/O LATE B BORAIAH
AGED ABOUT 47 YEARS

PETITIONERS NO.1 TO 3 ARE
RESIDING AT NO.2861,
CHAMARAJAPURAM
RAILWAY GATE ROAD
SARASWATHIPURAM
MYSURU CITY - 570 009

...PETITIONERS

(BY SRI. MAHESH B J.,ADVOCATE)

AND:

1. SMT SUJATHA
W/O SRI ANANTHAPADMANABHA
AGED ABOUT 59 YEARS



2. SRI M MAHESHA
S/O MARISWAMY
AGED ABOUT 57 YEARS

3. SRI SRIDHARA M
S/O MARISWAMY
AGED ABOUT 55 YEARS

RESPONDENTS NO.1 TO 3 ARE
RESIDING AT K SHETTIHALLI VILLAGE
SRIRANGAPATTANA TALUK
MANDYA DISTRICT - 571 807

4. SRI GIRISH T
S/O THIMMAIAH
AGED ABOUT 43 YEARS,
R/AT NO.9, 1ST CROSS,
1ST MAIN, VIKAS NAGAR
TUMKUR ROAD
BENGALURU - 560 099

5. SMT B LATHA
W/O G SATHISH
D/O LATE T BABU
AGED ABOUT 37 YEARS

6. SRI B RAVI
S/O LATE T BABU
AGED ABOUT 47 YEARS

RESPONDENTS NO.5 TO 7 ARE
RESIDING AT NO.261/1
4TH CROSS,KSHETHRAYYA ROAD
K R MOHALLA
MYSURU CITY - 570 004



7. SMT BHAGYALAKSHMI
W/O BOREGOWDA
AGED ABOUT 54 YEARS
RESIDING AT NO.261/1
4TH CROSS,
KSHETHRAYYA ROAD
K R MOHALLA
MYSURU CITY - 570 004

...RESPONDENTS

THIS CRP IS FILED UNDER SEC.115 OF CPC., AGAINST THE ORDER DATED 14.01.2026 PASSED ON IA NO.II IN OS NO.362/2023 ON THE FILE OF I ADDITIONAL SENIOR CIVIL JUDGE AND CJM, AT MYSURU., DISMISSING THE IA NO.II FILED UNDER ORDER VII RULE 11(d) R/W SEC.151 OF CPC., FOR REJECTION OF PLAINT.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order on IA No.II passed in O.S.No.362/2023 dated 14.01.2026 by the I Additional Senior Civil Judge and CJM at Mysuru. The defendant Nos. 2 to 4 in the suit are before this Court.

The respondents herein have filed a suit for partition. In the said suit, the defendants have come up with IA. No.II under Order VII Rule 11(d) R/w Section 151 of the CPC, seeking



rejection of the plaint on the ground that there had been an earlier registered partition and the said fact was suppressed by the plaintiff and filed the instant suit, which came to be dismissed by the Trial Court.

2. While dismissing the application, the Trial Court observed that the plaintiffs had instituted the suit seeking partition of the ancestral properties. It further observed that whether the partition deed dated 26.08.2003 had been acted upon or not is a matter that can be decided only after a full-fledged trial. Under the circumstances, it is possible to say that the suit for partition is entertainable. The Trial Court further observed that the khata of the suit schedule properties had been transferred in the names of defendant Nos.1 to 4. The defendants did not produce the mutation register extracts based on which they claim their absolute right over the suit schedule properties. The contention taken in their application filed under Order VII Rule 11(d) of CPC is evident that they have refused to effect partition to the plaintiffs and also deny the rights of the plaintiffs in the suit schedule properties. Until the share is determined, the nature of properties must be



protected. Accordingly, the Trial Court has dismissed the IA No.II.

3. Learned counsel appearing for the petitioners submits that the Trial Court has failed to give specific findings while dismissing IA No.II. It is contended that the petitioners, in their written statement, have mentioned the registered partition deed and when the petitioner filed IA No.II under Order VII to 11(d) of the CPC, the petitioners had stated all these aspects, and the Plaintiffs, when they filed objections to that, did not deny the registered partition deed. It is submitted that it is a registered document and nobody can deny the same, and particularly in this case, by filing objections, the respondents have not denied. In those circumstances, it is a classic case of abuse of process of law and clever drafting, and the Trial Court ought to have considered the IA No.II and rejected the plaint under Order VII to 11(d) of CPC.

4. Having heard the learned counsel on either side and perused the material on record, while considering IA No.II filed under Order VII to 11(d) of CPC, it is settled law that the Court will only look at the plaint and the documents produced along



with the plaint. The Court will not consider any other material. It is for the defendants to make out from the plaint averments and the documents filed in support of that the suit is liable to be rejected in the light of the provisions under Order VII to 11(d) of CPC.

5. In the present case, the Trial Court has observed that the khata in respect of the suit schedule properties has been transferred to the names of defendant Nos. 1 to 4 and that the defendants have not produced the mutation register extracts. Even if the defendants produce the mutation extracts, the Trial Court is not empowered to look into those documents while considering IA No.II under Order VII to 11(d) of CPC. At that stage, the Court is required to examine only the averments made in the plaint and the documents produced along with it. The Court has to record the reasons from the averments in the plaint as to whether the defendants could establish a case for rejection of the plaint. Unfortunately, the impugned order does not disclose the same.

6. This Court has considered the submissions made by the learned counsel for the petitioners. The entire case of the



petitioners is based on the averments made in the written statement and the documents produced along with it. In view of the settled position of law, the Court cannot take into consideration the written statement or the documents produced by the defendants while deciding an application under Order VII Rule 11(d) of the CPC. However strong the defence of the defendants may be, the same cannot be a ground for rejection of the plaint under Order VII Rule 11(d) of the CPC unless it is evident from the averments contained in the plaint and the documents filed along with the plaint that the suit is barred by law. In that view of the matter, this Court do not find any ground to interfere with the order impugned.

7. However, it is made clear that the Trial Court shall be careful while passing orders under Order VII to 11(d) of CPC, by giving cogent reasons and not in the manner in which the present case is dealt with.

8. It is further made clear that this Court has not expressed any opinion on the merits of the matter; whatever observations are made are only for the limited purpose of



considering this application and that should not be construed as an expression on the merits of the suit.

9. In view of the aforesaid discussions, this Court is passing the following:

ORDER

- i. The writ petition is ***dismissed***.
- ii. The Registrar (Judicial) is directed to send a copy of this order to the learned Judge.
- iii. Pending IAs, if any, shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

SMC
List No.: 1 Sl No.: 23