



CNR: KAHC010133052026

NC: 2026:KHC:51424
CRP No. 166 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 166 OF 2026 (IO)

BETWEEN:

1. SMT.THIMMAMMA
W/O LATE MUNIKALAI AH,
AGED ABOUT 75 YEARS,
RESIDENT OF BILIDEVALAYA,
KASABA HOBLI, KUNIGAL TALUK,
TUMKUR DISTRICT-572 130
2. SMT. LALITHAMMA,
W/O H.N. PRAKASH,
AGED ABOUT 49 YEARS.
3. SRI H.N. PRAKASH,
S/O NARAYANAPPA,
AGED ABOUT 56 YEARS.

PETITIONER NO.2 AND 3 ARE
RESIDENTS OF HULIKATLE VILLAGE,
CHAKRAVADI POST, MADBAL HOBLI,
MAGADI TALUK-562 120

ALL THE PETITIONERS ARE
PRESENTLY R/AT NO.20A,
7TH CROSS, MATHRU LAYOUT,
YALAHANKA UPANAGARA,
BANGALORE NORTH-560 064

...PETITIONERS

(BY SRI. K. VIJAYA KUMAR, ADVOCATE)

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Location:
HIGH COURT
OF
KARNATAKA



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AND:

SRI.KRISHNARAJ
S/O LATE MUNIKALAI AH,
AGED ABOUT 54 YEARS,
RESIDING AT BILIDEVALAYA,
KASABA HOBLI, KUNIGAL TALUK,
TUMKUR DISTRICT-572 130

...RESPONDENT

(BY SRI. PHANIRAJ KASHYAP, ADVOCATE)

THIS CRP FILED U/S. 115 OF CPC PRAYING TO SET ASIDE THE ORDER DATED 14.01.2026, PASSED ON IA NO. 7 IN OS NO. 42/2015, ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, KUNIGAL, REJECTING THE IA NO. 7 FILED U/O 7 RULE 11(a) AND (d) 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 dated 14.01.2026 passed in I.A.No.7 in OS No.42/2015 by the Additional Senior Civil Judge and JMFC, Kunigal, the petitioner/defendant is before this Court.

2. The respondent herein had filed a suit seeking a declaration that plaintiff is having legitimate undivided share and joint possession of the suit schedule property i.e., Item Nos.1 and 2. Consequently, to declare that the gift deed dated



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16.09.2008 and rectification deed dated 19.11.2009 executing by the first defendant in favour of the second defendant in respect of Item No. 1 of the suit schedule property are illegal and not binding on the undivided share and joint possession of the plaintiff. It is the case of the plaintiff that the property is a joint family property and the defendant has executed a gift deed dated 16.09.2008. At the time, when it is executed in the year 2009, when it came to the knowledge of the plaintiff, she filed a representation before the Panchayath. The defendant filed an application under Order VII Rule 11 of the CPC stating that the knowledge is in the year 2009 and suit is filed in the year 2015 and the suit is barred by limitation as Article 58 of the Limitation Act applies to the case. The said application was dismissed by the trial Court. The trial Court while dismissing the application had observing that limitation is a mixed question of fact and law and dismissed the IA.

3. Learned counsel for the petitioners submits that it is a clear case from the averments in the plaint that the suit is barred by limitation and that was not considered by the trial Court.



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4. Learned counsel appearing for the respondents submits that it is a consequential relief and the main relief of partition still exists. The part rejection of the plaint is not permissible.

5. In the light of the submissions made by both the counsels, this Court has perused the order. As rightly submitted by the learned counsel for the petitioner, there is no discussion by the court on the grounds raised by the petitioner or the submission that, even if it is barred by limitation, it amounts to a partial rejection of the plaint. That aspect was not considered by the trial court. In those circumstances, this Court deems it appropriate to set aside this order and remand the matter. Accordingly, this Court is passing the following:

ORDER

- i. The order dated 14.01.2026 passed in I.A.No.7 in OS No.42/2015 by the Additional Senior Civil Judge and JMFC, Kunigal is **set aside** and the matter is **remanded back** to the trial Court.
- ii. In the light of the respective contentions raised by the parties regarding the limitation and the partial rejection of the



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plaint, the trial Court shall consider the same and pass appropriate orders in accordance with law.

iii. It is made clear that this Court has not expressed anything on the merits of the matter.

iv. All pending I.As., in the petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

PKN
List No.: 1 Sl No.: 31