



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

CIVIL REVISION PETITION NO. 182 OF 2023

BETWEEN:

S R RAJU
S/O S Y RAMACHANDRA REDDY,
AGED ABOUT 58 YEARS,
DOOR NO 297, BALEGERE VILLAGE,
PANATHUR POST, VARTHUR HOBLI,
BENGALURU EAST TALUK,
BENGALURU 560087.

...PETITIONER

(BY SMT. ANAGHA.J. PRAKASH., ADVOCATE FOR
SRI. SRINIVAS S. V., ADVOCATE)

AND:

1. SMT. MEENA
D/O B N KAMALNABHA REDDY
AGED ABOUT 49 YEARS,
R/AT NO K-101,
PURVAFAIRMONT APARTMENT,
24TH MAIN ROAD, 2ND SECTOR,
HSR LAYOUT, BENGALURU 560034.
2. SMT YASHODAMMA
W/O LATE NANJUNDA REDDY
AGED ABOUT 91 YEARS
NO 489, VARTHUR VILLAGE,
BALAGERE MAIN ROAD
BENGALURU 560087.
3. SMT SHEELA
D/O KRISHNA REDDY

Digitally signed
by
DHARMALINGAM
Location: HIGH
COURT OF
KARNATAKA



AGED ABOUT 45 YEARS
R/AT GATTAKAMANADEVAHALLI
VILLAGE, BANGARPET TALUK,
KOLAR DISTRICT 563121.

...RESPONDENTS

(BY SRI. BHANU PRASAD K., ADVOCATE FOR R1
NOTICE TO R2 & R3 D/W V/O DTD.20/01/2026)

THIS CRP IS FILED UNDER SECTION 115 OF CPC,
AGAINST THE ORDER DATED 03.02.2023 PASSED ON I.A.NO.2
IN OS.NO.1938/2019 ON THE FILE OF THE III ADDITIONAL
SENIOR CIVIL JUDGE, BENGALURU (R) DISTRICT, BENGALURU,
DISMISSING THE I.A.NO.2 FILED UNDER ORDER 7 RULE 11(D)
R/W SEC.151 OF CPC.

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

CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

This Civil Revision Petition is filed under Section 115
of the CPC, at the hands of defendant No.2, being
aggrieved of the rejection of the application filed under
Order VII Rule 11(d).

2. For the sake of convenience, the parties shall
be referred to in terms of their ranking before the trial
court.

3. Learned counsel for defendant No.2 submits
that the plaintiff claims to be the wife of defendant No.2,



although defendant No.3 is arrayed stating that she claims to be the legally wedded wife of defendant No.2. Defendant No.1, is the maternal aunt of defendant No.2. Learned counsel submits that firstly on the plain reading of the plaint, it is clear that although defendant No.3 is the legally wedded wife of defendant No.2, the plaintiff claims to be the legally wedded wife of defendant No.2, but no such declaration is sought regarding the marital status of the plaintiff and defendant No.2. Nevertheless, the suit is filed for declaration that the plaintiff is the absolute owner of the suit schedule property. A declaration is also sought regarding the Will dated 16.05.2007 said to have been executed by defendant No.1 impersonating as Smt. Sanjeevamma in favour of defendant No.3 and the said Will is a registered Will.

4. Learned counsel submits that in paragraph No.8, the plaintiff has clearly stated that in the year 2007 itself, when the plaintiff came to know about the registered Will, she filed a police complaint and a crime



has been registered in Crime No.181 of 2007, punishable under Sections 464, 465, 468, 471, 474 and 420 of IPC by the Varthur Police and the same is registered as C.C.No.2515 of 2008 before the learned Chief Judicial Magistrate, Bengaluru. That being the position, the plaintiff has admitted that she had knowledge of the registered Will from the year 2007 itself. However, the suit is filed in the year 2019 with a prayer seeking a declaration that the said Will dated 16.05.2007 is a sham, concocted, created, forged, fabricated and collusive one and the same is null and void and not binding on the plaintiff in respect of the suit schedule property. Learned counsel submits that this itself is sufficient to reject the plaint insofar as prayer No.2 is concerned.

5. Learned counsel for the plaintiff however submits that the learned III Additional Senior Civil Judge, Bangalore Rural District has rightly considered the application filed by defendant No.2 under Order VII Rule 11(d) and has rejected the application. Learned counsel



submits that it is the contention of the plaintiff that it is defendant No.1 who has executed the Will impersonating herself as Sanjeevamma, while Smt. Sanjeevamma died on 15.05.2007, before the execution of the Will. Moreover, it is stated by the plaintiff that defendant No.2 has executed a registered partition deed dated 18.01.2001 and has transferred the right, title and interest of the suit schedule property in favour of the plaintiff and her children. That being the position, the Will executed in the year 2007, be it by Sanjeevamma herself or defendant No.1, does not confer any right, since Sanjeevamma herself did not have any rights over the property in question. That is the reason why a declaration is sought that the said Will is a forged document impersonated and therefore it has to be declared as null and void. The cause of action arose for the plaintiff when the defendants tried to interfere with the suit schedule property, although the petitioner and her children are the rightful owners in terms of the registered partition deed dated 18.01.2001.



6. There is sufficient force in the submission made by the learned counsel for plaintiff. The trial court has taken into consideration these aspects and has rightly rejected the application filed by defendant No.1. Having regard to the plain reading of the plaint, it is clear that the cause of action for the plaintiff to file the suit arose just before the suit, since the defendants who had no right, title or interest in the property tried to interfere with the suit schedule property. The prayer regarding the registered Will is only to declare it as a void document not binding on the plaintiff. That issue requires consideration at the hands of the trial court.

7. Accordingly, the Civil Revision Petition stands ***dismissed.***

**Sd/-
(R DEVDAS)
JUDGE**

KLY
CT: JL