



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 222 OF 2026 (IO)

BETWEEN:

MR.ABDUL JABBAR
S/O LATE SHAFIULLA
AGED ABOUT 50 YEARS
RESIDING AT NO.7/D
MUMTAJ BUILDING
OPP. SDA SCHOOL
KAMMAGONDANAHALLI, JALAHALLI WEST
BANGALORE- 560 015

...PETITIONER

(BY SRI. MARISWAMY K., ADVOCATE)

AND:

SMT.DEVARASAM
WIFE OF LATE IMAN @ IMMANUEL
AGED ABOUT 61 YEARS
RESIDING AT NEAR ANITHA STORE
3RD CROSS, OPP. SDA CHURCH
KALANAGAR ROAD, KAMMAGONDANAHALLI
JALAHALLI WEST
BANGALORE -560 015

...RESPONDENT

THIS CRP FILED UNDER SEC.115 OF CPC., AGAINST THE ORDER DATED 18.02.2026 PASSED ON IA NO.6 IN OS NO.4745/2024 ON THE FILE OF XI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY., DISMISSING THE IA NO.6 FILED UNDER ORDER VII RULE 11(a) AND (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 passed on I.A.No.6. in
O.S.No.4745/2024 dated 18.02.2026 by the XI Addl. City Civil
& Sessions Judge, Bangalore City, the defendant is before this
court.

2. The respondent herein has filed a suit for a bare
injunction, and the present I.A is filed seeking rejection of the
plaint. Along with the application, an affidavit is filed. In the
affidavit, it is stated that the plaintiff has filed a suit in the year
2022 for permanent injunction and other consequential reliefs
in OS No.7740/2022 before the City Civil and Session Judge at
Bangalore. At the time of filing the suit, the plaintiff lodged a
complaint before the Gangammagudi Police Station on
27.10.2022 in NCR.No.296/2022. Based on this NCR, the
plaintiff filed a suit in the year 2022, and the said suit was
withdrawn without seeking any liberty. As such, the present
suit is not maintainable. It is also stated that the petitioner is in
possession of the property measuring 7x20 (encroached



property). But the defendant has not encroached the suit schedule property. He is the absolute owner of the property, which he has acquired through a registered sale deed dated 23.04.2008. He purchased it from one Mr. Hyder Ali, registered before the Sub Registrar of Peenya at Bangalore. As the owner, he has been in peaceful possession and enjoyment of the property. In those circumstances, the question of encroachment does not arise, and the suit for injunction is not maintainable. The suit is barred by law and liable to be dismissed. Hence, the present application for rejection of the plaint.

3. The trial court, by the impugned order, has dismissed the application. It has observed that it is a well-settled principle of law that, while dealing with an application under Order VII Rule 11 of the CPC, the court must look only to the averments in the plaint and the documents produced along with it. The defendant's defence or the documents relied upon by him cannot be considered at this stage. The test to be applied is whether the plaint, as a whole, discloses a cause of action for the relief claimed. The trial court has observed that as per the



plaint the plaintiff is in peaceful possession and enjoyment of the property and that the defendant is interfering with her possession. In a suit for permanent injunction, the essential ingredients are lawful possession and interference. The plaint contains the necessary material. Hence, it cannot be said that the plaint does not disclose a cause of action, and it is not unacceptable. Further, the trial court has observed that whether the present suit is barred by the earlier suit, OS.No.7740/2022, cannot be decided at the stage of Order VII Rule 11 of the CPC. The plaint states that the earlier suit was withdrawn and that the present suit is based on a continuing and recurring cause of action arising out of interference with her possession. The trial court observed that, in cases relating to injunction, every act of interference gives rise to a fresh cause of action, and accordingly dismissed the I.A filed for rejection of the plaint.

4. Learned counsel appearing for the petitioner/plaintiff submits that there is no cause of action for filing the suit. Further, in light of the earlier suit being withdrawn without seeking any liberty, the petitioner is barred from filing the



present suit. He has purchased the property by way of a registered sale deed and, on the strength of it, has been in peaceful possession and enjoyment of the property. There is no question of encroachment or interference, and the suit for injunction is not maintainable. The trial court failed to consider the order in the earlier suit, which the petitioner placed before the court along with the IA. It is submitted that, without considering these aspects, the court dismissed the application filed under Order VII Rule 11 of CPC, and the order needs to be set aside.

5. Having heard the learned counsel for the petitioner, perused the material on record. The present suit is for an injunction, wherein the plaintiff has claimed interference by the defendant and, as such, has filed the present suit. According to the defendant, the earlier suit was filed and withdrawn, and as such the present suit is barred. The trial court has rightly observed that to determine whether the present suit is barred, the court has to look at the other material filed by the defendant with regard to this, and that cannot be looked into in an application filed under Order VII Rule 11 of CPC. All the



contentions raised by the petitioner cannot be the grounds for the court to reject the plaint. Considering all these aspects, the trial court has rightly dismissed the application, and this court does not find any reasons to interfere. In that view of the matter, this court is passing the following:

ORDER

- i. Accordingly, the civil revision petition is ***dismissed.***
- ii. Pending I.As., in this petition shall stand closed.

**SD/-
(LALITHA KANNEGANTI)
JUDGE**

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List No.: 1 Sl No.: 38