



CNR: KAHC010189422026

NC: 2026:KHC:45437
CRP No. 242 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 242 OF 2026 (IO)

BETWEEN:

1. SRI P.CHANDRANNA
AGED ABOUT 80 YEARS,
S/O. LATE JAYAMMA
2. SMT.C.U. VASANTHAMMA,
AGED ABOUT 63 YEARS,
W/O. P. CHANDRANNA

BOTH ARE RESIDING OF
DOOR NO.212,
3RD CROSS, ANANDA BHAVANA,
J.H. PATEL BADAVANE,
DOUBLE ROAD,
DAVANAGERE-577 006

...PETITIONERS

(BY SRI. RAVINDRANATH M., ADVOCATE)

AND:

1. SMT. KENCHAMMA
AGED ABOUT 73 YEARS,
W/O. LATE PARUSAPPA,
R/O. JAGALUR TALUK,
DAVANAGERE DISTRICT-577 528
2. SMT. SOWBHAGYAMMA,
AGED ABOUT 71 YEARS,
W/O. LATE DEVENDRAPPA,
R/O. HEMMANABETHURU VILLAGE,
DAVANAGERE TALUK AND



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...RESPONDENTS

(BY SMT.PRIYANKA M.R., ADVOCATE)

THIS CRP FILED UNDER SEC.115 OF CPC., AGAINST THE ORDER DATED 10.12.2025 PASSED ON IA NO.VII IN OS NO.46/2021 ON THE FILE OF SENIOR CIVIL JUDGE, ITINERARY COURT, JAGALURU, DISMISSING THE IA NO.VII FILED UNDER ORDER VII RULE 11(d) OF CPC., FOR REJECTION OF PLAINT.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 10.12.2025 passed in I.A.No.VII in O.S.No.46/2021 by the Senior Civil Judge, Itinerary Court at Jagalur, the petitioners/defendants are before this Court.

2. The respondents herein, who are the plaintiffs, filed O.S.No.46/2021 seeking partition and separate possession. The respondents/plaintiffs are sisters, and defendant No.1 is their brother, while defendant No.2 is his wife. In the said suit, the defendants have filed I.A.No.VII under Order VII Rule 11(d), read with Section 151 of the CPC, seeking rejection of the plaint. According to the defendants, the suit filed by the



plaintiffs is hit by Section 6(5), read with Section 6(1)(C), of the Hindu Succession Amended Act, 2005.

3. In the plaint, it is stated that the defendants entered into a partition deed dated 12.02.2001 and in the light of Section 6(5) of the Hindu Succession Amended Act, 2005, any partition occurred prior to 20.12.2024, no rights would accrue to Hindu women on account of the amendment. Considering the contentions raised by the defendants, the Court dismissed the application. While dismissing the application, the trial Court observed that the wife cannot be considered as co-parcener. Therefore, whether such partition has any legal sanctity in the eyes of the law is to be determined only after a full-fledged trial. On a plain reading of the plaint, it cannot be said that the suit is barred by law. The application appears to be an attempt to protract the proceedings and delay the adjudication of the rights of the plaintiffs.

4. Learned counsel appearing for the petitioners/ defendants has reiterated the same contentions as stated before the trial Court and submits that the plaint has to be rejected.



5. Learned counsel appearing for the respondents/ plaintiffs submits that the trial court had rightly dismissed the application. In fact, considering the age of the parties, the trial court may be directed to expeditiously dispose of the suit. It is submitted that there is no reason to interfere with the well-considered order passed by the trial court.

6. Having heard the learned counsel on either side, perused the material on record. The petitioner relies on a partition between him and his wife. This Court is unable to appreciate the submission that the wife can be a member of a joint family and it amounts to partition. The trial Court has precisely considered this aspect and dismissed the application, and this Court finds no reason to interfere with the order passed by the trial Court. It is submitted that the plaintiffs are aged about 73 and 71 years old, and the defendants are about 80 and 63 years old. Considering that all the parties are senior citizens, this Court deems it appropriate to direct the trial Court to dispose of the matter as expeditiously as possible. Hence, this Court is passing the following order.



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ORDER

- i. This court do not find any reasons to interfere with the well considered order passed by the trial court.
- ii. The Senior Civil Judge, Itinerary Court at Jagalur, is directed to dispose of the suit as expeditiously as possible, but not later than one year.
- iii. Accordingly, the Civil Revision Petition is ***disposed of.***
- iv. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

MEG
List No.: 1 Sl No.: 36