



CNR: KAHC010192112026

NC: 2026:KHC:55671
CRP No. 249 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 249 OF 2026 (IO)

BETWEEN:

MUNITHAYAMMA
AGED ABOUT 80 YEARS,
W/O. LATE M. NARAYANASWAMY,
R/AT MEENUKUNTA HOSURU VILLAGE,
JALA HOBLI, YELAHANKA TALUK,
BENGALURU URBAN DISTRICT
BENGALURU-562 157

...PETITIONER

(BY SMT.S.SUSHEELA, SENIOR COUNSEL FOR
SRI. SHIVARAJU M.K., ADVOCATE)

AND:

1. G.RAJANNA
AGED ABOUT 76 YEARS,
S/O. LATE K. GOPALAPPA

2. K.G.ANAND,
S/O.LATE K. GOPALAPPA,
AGED ABOUT 70 YEARS,

BOTH ARE R/AT
KANNAMEGALA VILLAGE,
KASABA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT
BENAGLURU-560 067

3. S. VENKATESH @ VENKATESHAPPA



CNR: KAHC010192112026

NC: 2026:KHC:55671
CRP No. 249 of 2026

S/O. LATE SULALAPPA,
AGED ABOUT 72 YEARS

4. GOWRAMMA
W/O. S. VENKATESH @
VENKATESHAPPA,
AGED ABOUT 64 YEARS
5. DEVRAJ TV,
AGED ABOUT 40 YEARS,
S/O. S. VENKATESH @ VENKATESHAPPA

R3 TO R5 ARE RESIDENTS OF
TANDRAMARAHALLI VILLAGE,
PATRENAHALLI POST, KASABA HOBLI,
CHIKKABALLAPURA TALUK
AND DISTRICT-562 101

6. MAHESH T.V.,
AGED ABOUT 38 YEARS,
S/O. S. VENKATESH @ VENKATESHAPPA
R/AT HOUSE NO.3, S. S. LAYOUT,
H.S. GARDEN, WARD NO.22,
BEHIND STADIUM,
CHIKKABALLAPURA DISTRICT-562 101

...RESPONDENTS

(NOTICE TO R1 TO R6 ARE HELD SUFFICIENT V/O/DATED:
19/09/2026)

THIS CRP FILED UNDER SEC.115 OF CPC., AGAINST THE
ORDER DATED 23.02.2026 PASSED ON IA NO.III IN OS
NO.919/2024 ON THE FILE OF I ADDITIONAL SENIOR CIVIL
JUDGE AND JMFC, DEVANAHALLI, DISMISSING THE IA NO.3
FILED UNDER ORDER VII RULE 11 R/W SEC.151 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



CNR: KAHC010192112026

ORAL ORDER

Petitioner/defendant No.1 is before this Court aggrieved by the order dated 23.02.2026 passed on I.A.No.3 in O.S.No.919/2024 on the file of I Addl. Senior Civil Judge & JMFC, Devanahalli.

2. The respondents herein have filed a suit seeking declaration that the judgment and decree passed in O.S.No.1151/2023 is null and void, not binding on them and also sought for permanent injunction against defendant Nos.1 to 5, restraining them from interfering with their peaceful possession. In the said suit, an application came to be filed under Order VII Rule 11 of CPC, seeking rejection of the plaint. It is the specific case of the defendant that an application is filed seeking rejection of the plaint stating that in view of the bar under Order XXIII Rule 3A of CPC, the plaintiffs cannot seek the declaration sought in the present suit and only remedy available them to approach the same court, as such, the plaint is liable to be rejected as per provisions of Order VII Rule 11 of



CPC. That came to be rejected by the trial Court by order impugned.

3. While rejecting the application, the trial Court has observed that the Court has considered judgment produced by the plaintiffs in the case of ***M.L. Vijaya Vs. T. Srinath and others***, reported in ***ILR 2011 KAR 1787***, wherein it is held that a person who is not a party to the suit cannot obviously file an application in the suit or an appeal to challenge a compromise as being not lawful. Such a person has right to file a separate suit seeking an appropriate remedy would remain un-effected. Order II Rule 2 and Order XXIII Rule 3(A) of CPC are not applicable to the case on hand, since the facts and circumstances of the cases are entirely different from the present case on hand. Therefore, defendant No.1 cannot take advantage of the principle laid down in the said judgment. There are various aspects in issue in the present suit and accordingly rejected the plaint.

4. Learned Senior counsel representing the learned counsel for the petitioner has drawn the attention of the Court to the plaint, wherein it is stated that the compromise was



CNR: KAHC010192112026

entered before the Lok-Adalat. He submitted that once an order is passed by the Lok-Adalat, the said suit is not maintainable, they have to question it by filing a writ petition before the High Court. In that regard, she relied on the judgment of the Apex Court in the case of ***Dilip Mehta Vs. Rakesh Gupta & Ors***¹. She relied on paragraph Nos.12 and 13 which read under:

"12. The contention based on Order XXI Rules 97, 99 and 101 CPC must also be viewed in this statutory setting. In the specific context of a decree that reflects a Lok Adalat award, those provisions enable the Executing Court to address questions which arise incidentally in the course of working out execution, such as whether and to what extent the decree can be enforced against a particular person in possession and in what manner. They do not authorise the Executing Court, under the guise of adjudicating resistance, obstruction or dispossession, to reopen the settlement which resulted in the award, to examine the validity of the award as such, or to declare that the decree based upon it is void. The decree in such a case owes its force not merely to the CPC but to the special statute which deems the award to be a decree only for the limited purpose of execution.

13. The reliance placed by the High Court on Section 22E(4) of the LSA Act is also misplaced. The stipulation that an award "shall not be called in question in any original suit, application or execution proceeding" is a prohibitory clause which reinforces the bar against collateral civil challenges to a Lok Adalat award. It does not create a separate class of civil remedies in favour

¹ 2025 LiveLaw (SC) 1188



CNR: KAHC010192112026

of persons who were not parties before the Lok Adalat, nor does it enlarge jurisdiction of the Executing Court to set aside or invalidate such an award at the instance of a third party. The statutory structure is the same whether the aggrieved person is a party to the award or is a third party who claims to be affected by it. In either case, if the validity of the award is to be examined at all, it is to be tested in writ proceedings before the High Court and not by expanding the scope of execution or by encouraging independent civil suits.

5. Relied on this, it is submitted that the only remedy available to a person who is not a party to the award passed by the Lok-Adalat is to file a writ petition, but a suit does not lie. It is further submitted that the trial Court ought to have rejected the plaint.

6. Though notices are served on the respondents, no vakalath is filed on their behalf.

7. Having heard the learned Senior Counsel representing the learned counsel for the petitioner, perused the material on record. The suit is filed seeking declaration that the compromise decree is not binding on them. A bare reading of the plaint averment discloses that the compromise was entered before the Lok-Adalat. Once compromise was entered before the Lok-Adalat, in the light of settled law, a writ petition lies



before the High Court. Then, coming to the application filed under Order VII Rule 11 of CPC, no such grounds were raised before the trial Court, and there was no occasion for the trial Court to consider or decide any of the contentions.

8. Learned senior Counsel for the petitioner submits that it is a question of law that can be raised at any point of time. Also, the trial Court can *suo motu*, take it into consideration and reject the plaint. Powers exercised by this Court in a petition filed under Section 115 of CPC are limited. This Court cannot go beyond the pleadings and the order passed by the Family Court. In those circumstances, this Court is of the view that the petitioner shall be given an opportunity to file an application for rejection of the plaint, and the trial Court has to consider the same in the light of the settled law referred to supra. In that view of the matter, this Court is passing the following:

ORDER

- i. The order dated 23.02.2026 passed on I.A.No.3 in O.S.No.919/2024 on the file of I Addl. Senior Civil Judge & JMFC,



NC: 2026:KHC:55671
CRP No. 249 of 2026

CNR: KAHC010192112026

Devanahalli is ***set aside*** and the matter is ***remanded back*** to the trial Court.

- ii. The petitioner/defendant is at liberty to file a fresh application under Order VII Rule 11 of CPC raising all the relevant grounds.
- iii. The trial Court shall consider the same in the light of the settled law in case of ***Dilip Mehta Vs. Rakesh Gupta & Ors*** referred *supra*.
- iv. Accordingly, the CRP is ***allowed***.
- v. Pending IAs., if any, shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

PKN
List No.: 1 Sl No.: 13