



CNR: KAHC010213702026

NC: 2026:KHC:50839
CRP No. 283 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 283 OF 2026 (IO)

BETWEEN:

SRI. PRASANNA KUMAR
S/O LATE KEMPEGOWDA
AGED ABOUT 60 YEARS
RESIDENT OF AVALAGERE VILLAGE
HULIYAR HOBLI, C.N. HALLI TALUK,
TUMKUR DISTRICT -572 218

...PETITIONER

(BY SMT.SWETHA G. DESHPANDE, ADVOCATE FOR
SRI.G.S.DESHPANDE, ADVOCATE)

AND:

1. SMT.NAGARATNA
W/O LATE JAYARAMAIAH,
AGED ABOUT 55 YEARS
2. SMT.MANJULA,
D/O LATE JAYARAMAIAH,
AGED ABOUT 35 YEARS
3. SRI.MOHAN KUMAR,
S/O LATE JAYARAMAIAH,
AGED ABOUT 33 YEARS,

ALL ARE RESIDENTS OF
AVALAGERE VILLAGE,
RAMANAGAR EXTENSION
HULIYAR HOBLI,
C.N.HALLI TALUK,

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signed by
SUVARNA T
Location
HIGH COURT
OF
KARNATAKA



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TUMKUR DISTRICT-572 218
...RESPONDENTS
(BY SRI. SATISHCHANDRA R., ADVOCATE)

THIS CRP FILED UNDER SEC.115 OF CPC., AGAINST THE ORDER DATED 18.12.2025 PASSED ON IA NO.3 IN OS NO.33/2025 ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC, C.N.HALLI., DISMISSING THE IA NO.3 FILED UNDER ORDER 7 RULE 11(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 08.12.2025 passed on I.A.No.3 in O.S.No.33/2025 by the Senior Civil Judge and JMFC, Chikkanayakanahalli, the petitioner/defendant is before this Court.

2. Originally, the petitioner filed a suit seeking declaration and an injunction. The suit was compromised on 11.06.2016, and a compromise decree was drawn. On 20.02.2025, the respondents herein, who were the defendants in the earlier suit, filed the present suit seeking a declaration



and delivery of possession. In that suit, the petitioner/defendant has filed IA No.3 under Order VII Rule 11(d) of the CPC seeking rejection of the plaint. Learned counsel for the petitioner/defendant submits that, as per the compromise decree, the defendant (i.e., the respondent herein) has agreed to transfer the right and title to the plaintiff in the said suit, and that, in the process, the respondent has received an amount of Rs.50,000/-. As such, the suit is not maintainable.

3. The trial Court, by order impugned had dismissed the application. While dismissing the application, the Court observed that at the time of compromise on 11.06.2016, he had not pressed the relief of declaration that he was the absolute owner of the suit land. After that, the Court has decreed the suit and permitted the change of khatha. Though the defendant has paid Rs.50,000/- to the plaintiffs, he himself has filed a memo deleting the relief of declaration that he is the owner of the suit property. When he himself deleted that relief, it is clear that the declaration that the defendant was the owner of the property was kept open. In that case, the respondent



herein has every right to file a suit seeking a declaration, and accordingly the court rejected the application filed under Order VII Rule 11(d) of the CPC.

4. Learned counsel appearing for the petitioner/plaintiff has drawn the attention of this Court to the compromise decree, which clearly states that the defendants agreed to transfer their rights to the plaintiff with respect to the suit schedule property. As per the compromise petition, the defendants received an amount of Rs.50,000/- from the plaintiff as compensation for the suit schedule property. As per the compromise petition, the defendants have no objection to change the revenue document with respect to the suit schedule property in the name of the plaintiff. It is submitted that, having entered into a compromise with these kinds of averments, it is not open to the respondent herein to file a fresh suit. While considering an application filed under Order VII Rule 11 of CPC, the trial Court failed to appreciate these aspects and, in a mechanical manner, the trial Court dismissed the application. It is submitted that the order impugned needs to be set aside and the plaint needs to be rejected.



5. Learned counsel appearing for the respondent/plaintiff submits that the trial Court has rightly considered the fact that what is compromised between the parties is the relief pertaining to injunction, but not a declaration. In those circumstances, it is always open to the respondent herein to seek a declaration. It is submitted that no interference is called for 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 admitted facts of this case are that the petitioner herein earlier filed a suit for a declaration and injunction. There was a compromise. In that, there is no doubt that she did not press for the relief of declaration. She pressed only for the relief of injunction. However, a perusal of the compromise petition clearly shows that the parties agreed that the defendants would transfer their rights to the plaintiff and, in that regard, defendant received an amount of Rs.50,000/-, and that they had no objection to change the revenue documents. Looking at the compromise decree, it is very clear what the intention of the parties was, as



per which the right and title in the property have been transferred to the petitioner. In those circumstances, the trial Court, without looking at the compromise petition and on the ground that the relief for declaration was not sought, rejected the application. In the considered opinion of the Court, there is no cause of action for the plaintiff to file the instant suit, in the light of the compromise entered in the earlier suit. In that view of the matter, this court is passing the following:

ORDER

- i. The order dated 08.12.2025 passed on I.A.No.3 in O.S.No.33/2025 by the Senior Civil Judge and JMFC, Chikkanayakanahalli, is **set aside** and consequently, IA No.3 is **allowed** by rejecting the plaint.
- ii. Accordingly, the Civil Revision Petition is **allowed**.
- iii. All pending I.As., in the petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE