



CNR: KAHC010253972025

NC: 2026:KHC:49489
CRP No. 280 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 280 OF 2025 (IO)

BETWEEN:

1. SRI T.C.RAGHAVENDRA
S/O T.D. CHINNAPPALAH
AGED ABOUT 50 YEARS
2. SMT. B. SHARADA
W/O T.C. RAGHAVENDRA
AGED ABOUT 45 YEARS

RESIDING AT NO. 767, 6TH MAIN,
POST OFFICE ROAD,
BANASHANKARI 1ST STAGE
SRINAGAR, BANGALORE - 560050.

...PETITIONERS

(BY SRI. KRISHNA MOHANA REDDY C., ADVOCATE)

AND:

1. SRI T.D.CHINNAPPAIAH
S/O LATE DODDAPPAIAH
AGED ABOUT 73 YEARS
2. SMT. SHOBHA RANI
D/O T.D. CHINNAPPAIAH
W/O S.G. JAYASHANKAR
AGED ABOUT 54 YEARS

BOTH ARE RESIDING AT NO. 65,
1ST FLOOR, 1ST MAIN,
9TH CROSS, MARUTHINAGAR,

Digitally
signed by
SUVARNA T
Location
HIGH
COURT OF
KARNATAKA



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BANGALORE NORTH TALUK,
YELAHANKA,
BANGALORE – 560 064

...RESPONDENTS
(BY SRI. SHRIKANTH BADARADINNI, ADVOCATE)

THIS CRP FILED UNDER SECTION 115 OF CPC, AGAINST THE ORDER DATED 13.02.2025 PASSED ON I.A NO.3 IN OS.NO.1269/2023 ON THE FILE OF THE III ADDITIONAL SENIOR CIVIL JUDGE, BENGALURU RURAL DISTRICT, BENGALURU, REJECTING THE I.A.NO.3 FILED UNDER ORDER 7 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 dated 13.02.2025 passed in I.A.No.3 in O.S.No.1269/2023 by III Addl. Senior Civil Judge, Bengaluru Rural District, Bengaluru, the petitioners/defendants are before this Court.

2. The respondents herein have filed a suit for partition and separate possession, permanent injunction, and also for questioning the release deed. In the said suit, the petitioner has filed an application under Order VII Rule 11 of the CPC seeking rejection of the plaint. It is the specific case of



the plaintiff that the property was purchased by him. The plaintiffs were not entitled to any share in the said property. It is the case that the document is of the year 2016, and the suit was filed in the year 2023 and the suit is barred by limitation. These aspects were not dealt with by the Court. It is submitted that there is no cause of action to file this suit, and the Court ought to have allowed the application filed under Order VII Rule 11 of the CPC.

3. The court by order impugned had observed that as far as the limitation is concerned, the plaintiffs have pleaded that the cause of action accrued in the second week of June 2023 when the defendants denied their demand for partition. Admittedly, the release deed is of the year 2016 and limitation is a mixed question of facts and law which cannot be decided in an application filed under Order VII Rule 11 of the CPC and accordingly rejected the IA seeking rejection of plaint.

4. Learned counsel appearing on behalf of the petitioner has argued in similar lines and submits that the trial Court failed to consider the grounds that are raised by the plaintiff. The court ought to have rejected the plaint.



5. Learned counsel appearing for the respondent submits that the trial Court has rightly considered and passed orders, and no interference is called for.

6. Having heard the learned counsel on either side, perused the material on record. Plaintiff No.1 is the stepfather of defendant No.1, and plaintiff No.2 is the biological sister of defendant No.1. Defendant No.2 is the wife. According to plaintiff No.1, he purchased the property with his own funds and registered the property in the names of defendant No.1 and his wife. Thereafter, defendant No.1, without anyone's knowledge and by playing fraud, obtained a Release Deed from the mother. When this came to their knowledge, they filed the suit. When an application is filed under Order VII Rule 11 of the CPC seeking rejection of the plaint, limitation is not a question of fact and law in every case. However, in this case, fraud and other issues are alleged, and it is also a case where he has paid the amount. The court has rightly held that, though disputed questions of fact and law cannot be decided at this stage, the court cannot interfere with the same. Then, coming to whether they are entitled to any share in the property or not, for that,



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the plaintiff has to adduce evidence, and he would succeed on the merits of the matter. At this stage, the court cannot interfere with the same. In that view of the matter, this Court do not find any reason to interfere. Accordingly, this Court is passing the following:

ORDER

- i. Accordingly, the Civil Revision Petition is ***dismissed.***
- ii. It is made clear that this Court has not expressed anything on the merits of the matter.
- iii. Pending IAs., if any, shall stand closed.

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

PKN
List No.: 1 Sl No.: 58
AK