



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

CIVIL REVISION PETITION NO. 301 OF 2022 (IO)

BETWEEN:

SRI. N. BHASKAR
S/O LATE N. NARASIMHAIAH,
AGED ABOUT 47 YEARS,
RESIDING AT NO.1291,
9TH A MAIN ROAD,
SRINIVASANAGAR 2ND PHASE,
BSK 1ST STAGE,
BANGALORE-560 050.

...PETITIONER

(BY SRI. PRAKASH K.M., ADVOCATE)

AND:

SMT. LAKSHMI DEVI GOENKA
W/O LATE SHIVA SHANKAR GOENKA,
AGED ABOUT 56 YEARS,
RESIDING AT NO.731,
17TH CROSS, 24TH MAIN,
VI PHASE, J.P. NAGAR,
BANGALORE-560 078.

...RESPONDENT

(BY SRI. B.S. VENKATANARAYANA, ADVOCATE)

THIS CRP IS FILED UNDER SECTION 115 OF CPC,
AGAINST THE ORDER DATED 01.12.2018 PASSED ON I.A.II IN
OS.NO.1107/2018 ON THE FILE OF THE XIX ADDL. CITY CIVL
AND SESSIONS JUDGE, BENGALURU CITY.



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

CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

The Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure at the hands of defendant No.1 being aggrieved of the rejection of his application filed under Order VII Rule 11 of CPC.

2. For the sake of convenience the parties shall be referred to in terms of their ranking before the trial Court.

3. The suit is filed by the plaintiff for permanent injunction restraining the defendants from putting up a wall on the road etc. It is the contention of the plaintiffs that Sri N.Narasimmaiah, the father of the defendants, formed the layout and sold Site Nos.50, 51, 78 and 79 in favour of Smt. Madhu Goenka under registered Sale Deed dated 20.09.1986. The said Smt. Madhu Goenka gifted the property in favour of her husband Sri Shyamsunder Goenka under Gift Deed dated 21.01.2010. Thereafter, Sri



Shamsundar Goenka gifted the property in favour of his father, Sri Chotmal Goenka under registered Gift Deed on the same day. Thereafter, Sri Chotmal Goenka gifted the property in favour of Smt Lakshmidevi Goenka, his daughter-in-law, under registered Gift Deed dated 05.07.2013. In this manner the plaintiff became the owner of the suit schedule property and the same is not in dispute. The dispute is only in respect of the access to the said properties. It is the contention of the plaintiff that the defendants are trying to put up a wall on the road and therefore, the suit has been filed with the said prayer. The defendant No.1 filed an application under Order VII Rule 11 of CPC., seeking rejection of the plaint on the ground that the plaintiff has no locus standi, no cause of action and for non compliance of Order XI Rule 16 of the Code of Civil Procedure.

4. Learned counsel for the defendant submits that the plaintiff has no locus standi to have filed the suit and the plaintiff has no cause of action. It is the contention of



the defendant that there is no road in between the properties belonging to the plaintiff and the defendant. Moreover, the defendant had filed an application under Order XI Rule 16 calling upon the plaintiff to furnish the original documents which is referred to in the plaint and though there were directions issued by the Court to the plaintiff to furnish the original documents referred to in the plaint, the plaintiff failed to produce the same and therefore, it is a ground for rejection of the plaint under Order VII Rule 11 of CPC.

5. The learned counsel also seeks to place reliance on a decision of the Apex Court in the case of ***Union of India v. Ibrahim Uddin and another (2012) 8 SCC 148.***

6. Per contra, learned counsel for the plaintiff submits that the non-compliance of the directions issued by the Court under Order XI Rule 16 OF CPC., cannot be a ground for rejection of the plaint under Order VII Rule 11 of CPC. Learned counsel further submits that the



defendant does not dispute the title of the plaintiff as regards the suit schedule property. The only dispute is regarding the access on the northern side of the suit schedule property in terms of the layout plan or handwritten sketch said to have been furnished by the original landlord, Sri N.Narasimmaiah and if a wall is put up by the plaintiff on the road, it will block the access to the defendants to the suit schedule property. Learned counsel for the plaintiff therefore, submits that the trial Court has rightly considered the application filed by the defendant No.1 under Order VII Rule 11 of CPC., and having found no reason to reject the plaint, the trial Court has rightly rejected the application.

7. The learned counsel would further submit that it is a settled position of law that when the Court considers an application under Order VII Rule 11 of CPC, the Court is required to consider only the averments made in the plaint and not any other documents or averments or the defence set up by the defendants.



8. Having heard the learned counsel for the defendants and the plaintiffs and on perusing the petition papers, this Court finds that the trial Court has in fact considered the very same decision in the case of **Union of India** (Supra) referred to by the learned counsel for the defendants.

9. The trial Court, in paragraph No.12 has recorded the facts stated in the plaint and in paragraph No.14, the trial Court has noticed that the plaintiff has averred in the plaint that the road on the northern side called as 17th Cross is being used by the plaintiff and the school children, the staff as well as the General public. On the northern side of the plaintiff's property after 17th Cross the property of late Sri N.Narasimmaiah is situated. It is noticed that Sri N.Narasimmaiah has built a choultry and shops in his property. The legal heirs of Late Sri N.Narasimmaiah had filed a suit for partition. However, in the last week of December 2017, the defendants being the legal heirs of Late Sri N.Narasimmaiah have tried to put up



a wall on the Northeast corner of the plaintiff's property which will block the access to the main road. By analyzing all the averments made in the plaint, the trial Court has come to a conclusion that there is cause of action made out in the plaint and since the rights of the plaintiff is alleged to be affected, the plaintiff has locus standi to file the suit.

10. Insofar as the contention of the learned counsel for the defendants that there is non compliance at the hands of the plaintiff regarding the application filed by the defendant under Order XI Rule 16 of the CPC, this Court is of the considered opinion that non-compliance of such a direction issued by the Court having regard to the application filed by the defendants under Order XI Rule 16 of CPC., cannot become a ground for rejection of the plaint under Order VII Rule 11 of CPC. The decision relied upon by the learned counsel for the defendants in the case of Union of India (Supra) is only regarding the application filed under Order XI Rule 16 and Rule 21. It does not form



any ground having regard to the provisions contained in Rule 11 of Order VII of CPC. This Court is satisfied that the trial Court has rightly considered the application filed by the defendants and has rejected the same in accordance with law having arrived at a conclusion that there is cause of action made out in the plaint and there is locus standi for the plaintiff to have filed the suit.

11. For the reasons stated above, the Civil Revision petition stands ***dismissed***.

12. Any observations made during the course of this order shall not affect the rights of any of the parties before the trial Court.

The trial Court records shall be immediately sent back to the trial Court.

Sd/-
(R DEVDAS)
JUDGE