



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

CIVIL REVISION PETITION NO. 429 OF 2024

BETWEEN:

1. SMT. PUSHPA
AGED ABOUT 52 YEARS
D/O LATE PAPANNA
W/O D MUNIYAPPA
R/AT NO 60, NAGAVARA PALYA
C V RAMAN NAGAR, 9TH CROSS
DODDA ABBAIAH
BENGALURU – 560008.
2. SMT. SUDHA
AGED ABOUT 49 YEARS
D/O LATE A PAPANNA
AND W/O LATE RAJAPPA
R/AT NO 16 , 16TH D MAIN
KODIHALLI, HAL II STAGE
BENGALURU – 560008.
3. SRI A P SRINIVAS
AGED ABOUT 47 YEARS
S/O LATE A PAPANNA
R/AT NO 16, 16TH D MAIN
KODIHALLI, HAL II STAGE
BENGALURU 560008.
4. SMT NAGARATHNA
AGED ABOUT 45 YEARS
D/O LATE A PAPANNA AND
W/O SHANKAR
R/O UPPARAHALLI
HOSKOTE TALUK – 562114.

Digitally signed
by JUANITA
THEJESWINI
Location: HIGH
COURT OF
KARNATAKA



5. SRI A P TRIMURTHY
AGED ABOUT 43 YEARS
S/O LATE A PAPANNA
R/AT NO 16, 16TH D MAIN
KODIHALLI, HAL II STAGE
BENGALURU 560008

6. SRI A GOPAL
AGED ABOUT 62 YEARS
S/O LATE CHINNAPPA @ ABBAIAH

7. SRI DAYANANDA
S/O LATE PULLAPPA
AGED ABOUT 39 YEARS

RESPONDENT NOS.6 & 7 ARE
R/A KODIHALLI VILLAGE
NO 49, HAL II STAGE
16TH D MAIN ROAD, ULSOOR POST
VARTHUR HOBLI
BENGALURU 560008

8. SRI A MUNIYAPPA
AGED ABOUT 59 YEARS
S/O LATE CHINNAPPA ALIS ABBAIAH
R/AT FLAT A1, MANJUNATH COURT
OPP. MURTHY APARTMENT
2ND CROSS, SOPHICAL SCHOOL ROAD
WIND TUNNEL ROAD, MURGESH ROAD
BENGALURU 560017

...PETITIONERS

(BY SRI. K K VASANTH., ADVOCATE)

AND:

1. SRI. MUNIYAPPA
AGED ABOUT 60 YEARS
S/O LATE CHANDRAPPA
R/AT NO 128, 7TH CROSS



KODIHALLI VILLAGE,
OPP VEERABHADRA SWAMY TEMPLE
HALASURU POST
BENGALURU 560008.

...RESPONDENT

(BY SRI. CHANDRA MOHAN K., ADVOCATE)

THIS CRP IS FILED UNDER SEC.115 OF CPC., AGAINST THE ORDER DATED 16.04.2024 PASSED ON IA NO.2/2023 IN OS NO.346/2022 ON THE FILE OF XLI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU., REJECTING THE IA NO.2/2023 FILED UNDER ORDER VII RULE 11(a) TO (d) OF CPC., FOR REJECTION OF PLAINT AND ETC.

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

CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

This Civil Revision petition is filed under Section 115 of the Code of Civil Procedure, 1908, (for short, CPC) at the hands of all the defendants in O.S.No.346/2022 on the file of learned XLI Additional City Civil and Session Judge at Bengaluru, (CCH-42), aggrieved of the rejection of their application in I.A.No.2/2023 filed under Order VII Rule 11 (a) to (d) of CPC.



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

3. Learned Counsel for the defendants submits that the suit is filed with the following:

PRAYER

"WHEREFORE, the plaintiff most respectfully prays that this Court may be pleased to pass judgment and decree;

a). declaring that the plaintiff is the absolute owner of the suit schedule property and;

b). declaring that the MR and IHC's are null and void on the plaintiffs suit schedule property;

c). direct the concerned revenue office to making the Khatha in respect of suit property in the names of plaintiffs.

d). grant permanent injunction restraining the defendants or anybody else from interfering with the plaintiffs peaceful possession and enjoyment of the suit schedule property.

e). the plaintiffs also pray for any other appropriate order which this Hon'ble Court deems fit to pass, having regard to the facts



and circumstances of the case. Including the award of cost of the suit."

4. Learned Counsel for the petitioners submits that on the face of it, it is clear that the plaintiff is seeking a declaration in respect of the suit schedule property, having regard to various orders passed by the competent authority under the provisions of the Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954 (hereinafter referred to as 'the Inams Abolition Act', for short), and the Karnataka Land Revenue Act, 1964 (hereinafter referred to as 'the Land Revenue Act' for short), although the plaintiff is aware that he was the party to the proceedings before the Special Deputy Commissioner in proceedings bearing number INA.CR.193/1997-1998 where the original petitioner was Sri.Abbaiah @ Chinnappa and after his death his legal heirs were brought on record and the plaintiff herein had himself impleaded in the said proceedings and is shown as respondent No.2, while another Sri.V.Shamana was respondent No.3 and both



Sri.Muniyappa and Sri.V.Shamana suffered an order at the hands of the Special Deputy Commissioner, who declared that the plaintiff herein and Sri.Shamana's claim are rejected. The claim of Sri.Abbaiah @ Chinappa represented by his legal heirs was upheld and occupancy rights were conferred to an extent of 17 Guntas in Survey No.114/1 and 34 Guntas in Survey No.114/2.

5. A statement is made in the plaint that no such order is passed by the Special Deputy Commissioner. It is contented that the mutation entries are made without quoting the number of the proceedings and therefore, such an order is non-existent. It is submitted that there is a clear bar under Section 35 of the Inams Abolition Act, prohibiting any suit or any other proceedings from being filed before the Civil Court, since appeal remedy is available in the said statute. Further, under Section 135 of the Land Revenue Act, there is also similar bar prohibiting any suit from being filed in respect of a claim to have an



entry made in any record or register that is maintained under Chapter XI of the Land Revenue Act.

6. Learned Counsel for the petitioners submits that the plaintiff has sought to take advantage of the fact that the two provisions quoted herein prohibit the institution of suits against the government or its officers, by not impleading the competent authorities in the suit. That by itself will not come to the rescue of the plaintiff. Learned Counsel submits that it is now sought to be contented by the plaintiff that in Survey No.114 there was a total extent of 1 Acre and 10 Guntas and without quoting the orders said to have been passed by the competent authority under the Inams Abolition Act, the plaintiff claims that Sri.Munisandapa and Sri.Pullarappa were confirmed occupancy rights while dividing the Survey No.114 into two equal parts as Sy.No.114/1 and Sy.No.114/2 each measuring 25 Guntas each. No documents are furnished along with the plaint to substantiate such a contention. On the other hand, the defendants along with the written



statement have filed a copy of the orders passed by the Special Deputy Commissioner in proceedings bearing number INA.CR.193/1997-1998, where it is clearly stated that the total extent of land in Survey No.114 was 1 Acre and 10 Guntas and after sub-division Sy.No.114/1 contains 17 Guntas and Sy.No.114/2 contains 34 Guntas. In the operative portion of the order passed by the Special Deputy Commissioner both the lands viz., Sy.No.114/1 measuring 17 Guntas and Sy.No.114/2 measuring 34 Guntas are granted in favour of the applicants. Therefore, no other land in the said survey number is available for the plaintiff. Learned Counsel would therefore submit that the application filed by the defendants under Order VII Rule 11 should have been allowed while rejecting the plaint, at least on the ground that the suit is barred having regard to the provisions contained in the Inams Abolition Act, and the Land Revenue Act.

7. Learned Counsel for the plaintiff however contends that it is the clear contention of the plaintiff that Survey



No.114 was sub-divided into Sy.No.114/1 and Sy.No.114/2 both having 25 Guntas each. The plaint is filed insofar as 25 Guntas of land in Sy.No.114/2.

8. Having heard the learned Counsel for the defendants, the plaintiff and on perusing the petition papers, this Court is of the considered opinion that having regard to the prayer made in the plaint, it is clear that declaration of title as sought for by the plaintiff at prayer 'A' would depend much on prayers 'B' and 'C', which touch upon the orders passed by the competent authority under the provisions of the Inams Abolition Act, and the revenue entries in terms of the provisions of the Land Revenue Act. This Court finds that the revenue authorities under the provisions of the Land Revenue Act, and the competent authority under the provisions of the Inams Abolition Act, are not made parties to the suit.

9. A statement is made in the plaint that no such orders are passed by the Special Deputy Commissioner for



Inams Abolition Act. On the other hand, the defendants, along with the written statement have furnished a copy of the orders passed by the Special Deputy Commissioner, where the plaintiff is found to be respondent No.2. The plaintiff has not approached the Court with clean hands. Having regard to the facts obtained herein above, this Court is of the considered opinion that the suit is not maintainable, having regard to the prayer made in the plaint. It is clear that such an enquiry cannot be conducted by the Civil Court, having regard to the bar contained in both the statutes. If at all any clarification was required for the plaintiff regarding 25 Guntas of land which according to the plaintiff is not the subject matter of the litigation before the Special Deputy Commissioner, the plaintiff could have approached the Special Deputy Commissioner for clarification or could have filed an appeal. That not having been done, the prayer in the suit which touches upon the provisions of the two statutes, cannot be permitted to go on in its present form.



10. Consequently, the Civil Revision petition is ***allowed*** while setting aside the impugned order dated 16.04.2024 in O.S.No.346/2022 on the file of learned XLI Additional City Civil and Session Judge at Bengaluru, (CCH-42). Consequently the application filed by the defendants in I.A.No.2/2023 under Order VII Rule 11(a) to (d) of CPC is hereby allowed while rejecting the plaint.

11. Liberty is however reserved to the plaintiff to approach the competent authority to seek clarification in accordance with law, or to file an appeal, if it is available for the plaintiff in law.

Ordered accordingly.

Sd/-
(R DEVDAS)
JUDGE

DL
CT: JL