



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 571 OF 2026 (IO)

BETWEEN:

SRI. KRISHNAMURTHY G.N.
S/O LATE MUNIGANGAIAH
AGED ABOUT 41 YEARS
RESIDING AT GOVINDAPPA LAYOUT
SUBASH NAGARA NELAMANGALA
BENGALURU RURAL-562 123

...PETITIONER

(BY SRI. KRISHNA MURTHY V., ADVOCATE)

AND:

1. SRI. MUNIGANGAIAH G.,
S/O LATE GANGA ARASIAH
AGED ABOUT 76 YEARS
R/AT KULIPURA VILLAGE AND POST,
NELAMANGALA TALUK
BENGALURU RURAL -562 123
2. SRI GANGAIAH G
S/O LATE GANGA ARASIAH
AGED ABOUT 70 YEARS
RESIDING AT KULIPURA
VILLAGE AND POST,
NELAMANGALA TALUK
BENGALURU RURAL -562 123

...RESPONDENTS

THIS CRP FILED UNDER SEC.115 OF CPC., AGAINST THE
ORDER DATED 4.04.2026 PASSED ON IA NO.2 IN OS
NO.171/2024 ON THE FILE OF I ADDITIONAL CIVIL JUDGE AND
JMFC, NELAMANGALA., DISMISSING THE IA NO.2 FILED UNDER



ORDER 7 RULE 11(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 04.04.2026 passed in I.A.No.2 in O.S.No.171/2024 by the I Additional Civil Judge and JMFC, Nelamangala, whereby the trial Court had dismissed the application filed by the defendant under Order 7 Rule 11(d) read with Section 151 of CPC, the petitioner/defendant is before this Court.

2. Learned counsel appearing for the petitioner/defendant submits that the plaintiffs have filed O.S.No.171/2024 seeking a declaration that they are the absolute joint owners of the suit schedule property and a permanent injunction. It is submitted that the plaintiffs rely on an unregistered Release Deed dated 26.08.1956, executed by one Sri. Mallaiah in favour of the plaintiffs' father. It is submitted that, as the Release Deed is of the year 1956 and the suit is filed in the year 2024, the suit is barred by limitation. Further, by an unregistered document, the right and



title of the property cannot be transferred. It is a compulsory registerable document, and no rights will flow from the said document. It is submitted that the trial Court failed to appreciate these aspects and dismissed the application.

3. Having heard the learned counsel for the petitioner, perused the entire material on record. The suit is filed seeking a declaration and a permanent injunction. The trial Court, having considered the contentions of both parties, observed that Order 7 Rule 11(a) to (f) of the CPC empowers the Court to reject the plaint where, from the statements made in the plaint itself, the suit appears to be barred by law. Coming to the facts of the case, the trial Court observed that the limitation aspect is a question of fact and law, and that, on the basis of the contentions taken by the defendant alone, it is not sufficient to reject the plaint. Accordingly, the application was dismissed.

4. In the considered opinion of this Court, the trial Court had rightly considered and passed the order. In the facts and circumstances of this case, limitation is a question of fact and law. The plaintiffs have sought a declaration that the plaintiffs



are the absolute joint owners of the suit schedule property by virtue of the Release Deed dated 26.08.1956, executed by one Sri. Mallaiah in favour of the father of the plaintiffs, and they have filed a suit in the year 2024. Then, coming to the document of the year 1956, based on that, whether the rights of the property were transferred in favour of the petitioner or not? Whether he can seek a declaration or not? It will be decided by the trial Court during the course of the trial. But at this stage, this application cannot be decided by the trial Court. The trial Court has rightly dismissed the application and there are no grounds to interfere with the order passed by the trial Court. Hence, this Court is passing the following:

ORDER

- i. Accordingly, the Civil Revision Petition is ***dismissed.***
- ii. All I.As. in this petition shall stand closed.

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