



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

CIVIL REVISION PETITION NO.436 OF 2022

BETWEEN:

SRI. A NARAYANAPPA
AGED ABOUT 75 YEARS,
S/O LATE ANJANAPPA,
RESIDING AT NO.32,
KANAKA NILAYA, HORAMAVU AGARA,
BANGALORE - 560 043.

...PETITIONER

(BY SRI. SIDDHARTH SUMAN., ADVOCATE)

AND:

SRI. PRAVEEN REDDY
PARTNER,
M/S NEERAJA DEVELOPERS & PROMOTERS,
NO.155/1, 1ST MAIN ROAD,
DOMLUR 2ND PHASE,
BANGALORE - 560 071.

...RESPONDENT

(BY SRI. P.B.RAJU., ADVOCATE)

THIS CRP IS FILED UNDER SECTION 115 OF CPC,
PRAYING TO CALL FOR THE RECORDS AND SET ASIDE THE
ORDER DATED 03.09.2022 PASSED IN O.S.NO.25220/2016 ON
THE FILE OF THE XIII ADDITIONAL CITY CIVIL AND SESSIONS
JUDGE, MAYO HALL, BANGALORE (CCH-22) AND TO
CONSEQUENTLY ALLOW THE I.A 11 FILED BY THE PETITIONER
UNDER ORDER 7 RULE 11 (a) & (d) READ WITH SECTION 151
CPC IN O.S 25220/2016 IN THE COURT BELOW AS PRAYED

Digitally signed
by JUANITA
THEJESWINI
Location: HIGH
COURT OF
KARNATAKA



FOR AND REJECT THE PLAINT IN O.S 25220/2016 FILED BY THE RESPONDENT HEREIN 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 arises from the impugned order dated 03.09.2022 in O.S.No.25220/2016. The defendant filed an application under Order VII Rule 11 of CPC in I.A.No.11 to reject the plaint for non-disclosure of cause of action and on the ground that the suit is barred by law. It was contended by the defendant that having regard to the provisions contained in Section 69 of the Indian Partnership Act, 1932 (for short, 'the Act'), there is non-compliance on the part of the plaintiff, having regard to the admitted fact that the partnership firm was reconstituted on 19.01.2015 and when some partners went out, new partners were inducted, including one minor. It is the contention of the defendant that in terms of Section 69(2) of the Act, no suit to enforce a right



arising from a contract or conferred by the Partnership Act could be instituted in any Court unless the firm is registered and the persons suing have been shown in the register of firms as partners in the firm. It was contended on behalf of the defendant that the plaintiff has failed to place along with the plaint the information regarding the registration in the register of firms and entry of the new entrants in terms of the reconstitution in the books of the registrar.

2. On the previous occasion, the learned counsel for the respondent/plaintiff had sought for some time to place before this Court all the relevant information and accordingly, today the learned counsel for the respondent/plaintiff has filed a memo along with certain documents and while pointing out to page No.32, the learned counsel submits that immediately after the reconstitution of the firms, the information was made available to the registrar of firms on 03.02.2006 and the information has been recorded in the books of the



registrar of firms and it is only thereafter that the suit has been filed and therefore, there is fulfilment of the requirements of law. Learned counsel for the respondent/plaintiff would therefore submit that having regard to the law laid down by the Hon'ble Supreme Court which was relied upon by the learned counsel for the petitioner/defendant in the case of ***SRI.SHREERAM FINANCE CORPORATION VS. YASIN KHAN AND OTHERS*** reported in ***(1989) 3 SCC 476***, the facts would differ and therefore the same cannot be made applicable to the facts and circumstances of the present case.

3. Learned counsel for the petitioner/defendant, however, seeks to contend that the information made available earlier at the hands of the plaintiff is different from what is sought to be placed on record now.

4. Having heard the learned counsel on both sides and on perusing the petition papers, this Court is of the considered opinion that for the purpose of the extreme step of rejection of the plaint, having regard to the



provisions contained in Order VII Rule 11 of CPC, all necessary opportunities should be made available to the plaintiff to convince the Court that the plaintiff has fulfilled all the requirements, including Section 69(2) of the Act. For that purpose, if additional evidence is to be recorded and the competent officers are to be summoned, that can be done before the Court before finally deciding the application.

5. With these observations, the civil revision petition stands ***disposed of***. If the defendant presses for further orders having regard to the observations made by this Court, the trial Court shall afford an opportunity to both sides and reconsider the application filed by the defendant under Order VII Rule 11 of CPC.

Ordered accordingly.

Sd/-
(R DEVDAS)
JUDGE