



CNR: KAHC010478612026

NC: 2026:KHC:42926
CRP No. 633 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO.633 OF 2026 (IO)

BETWEEN:

1. SRI. CHANNABASAVARAJU
S/O LATE MALEVEERAIAH,
AGED ABOUT 64 YEARS,
2. SRI. PRAKASH,
S/O LATE MALEVEERAIAH,
AGED ABOUT 62 YEARS,
3. SRI. VIRUPAKSHAIAH,
S/O LATE MALEVEERAIAH,
AGED ABOUT 59 YEARS,

ALL ARE R/AT CHIKKAHALLI,
HIREHALLI POST,
URDIGERE HOBLI - 572 168
TUMAKURU TALUK AND DISTRICT.

...PETITIONERS

(BY SRI. SIDDARAMAIAH V.B, ADVOCATE)

AND:

1. SMT. SARVAMANGALA,
W/O LATE VEERABHADRAIAH,
AGED ABOUT 75 YEARS,
2. SMT. GEETHA C.V.
D/O LATE VEERABHADRAIAH,
AGED ABOUT 46 YEARS,
R/AT NO.A1, VENKAT GAURAV,

Digitally
signed by
SUVARNA T

Location:
HIGH COURT
OF
KARNATAKA



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4TH CROSS, GANESHA BLOCK,
DINNUR MAIN ROAD, R.T. NAGARA - 560 032
BENGALURU NORTH, KARNATAKA.

3. SMT. POORNIMA C.V.
D/O LATE VEERABHADRAIAH,
AGED ABOUT 44 YEARS,

RESPONDENT NOS.1 AND 3 ARE
R/AT C/O ARUNKUMAR. N,
NO.1312, 1ST FLOOR, 10TH 'A' CROSS,
4TH BLOCK, HBR LAYOUT, 1ST STAGE,
BENGALURU - 560 043.

4. SRI. PRABHUDEVAIAH
S/O MALEVEERAIAH,
AGED ABOUT 69 YEARS,
R/AT CHIKKAHALLI VILLAGE - 572 168
HIREHALLI POST, URDIGERE HOBLI
TUMAKURU TALUK AND DISTRICT

5. SMT. MANGALAMMA
W/O VEERABHADRAIAH,
D/O MALEVEERAIAH,
AGED ABOUT 68 YEARS,
R/AT GULYA, MADHURE HOBLI,
DODDABALLAPURA TALUK
BENGALURU DISTRICT - 561 203.

6. SMT. NEELAMMA
W/O PANCHAKSHARAIAH,
D/O LATE MALEVEERAIAH,
AGED ABOUT 66 YEARS,
R/AT GOLLAHALLI VILLAGE,
HEBBUR HOBLI - 572 120
TUMAKURU TALUK AND DISTRICT

...RESPONDENTS

(BY SRI. RAVISHANKAR G S, ADVOCATE FOR R1 & R3)



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THIS CRP IS FILED UNDER SECTION 115 OF CPC., PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 17.06.2026 PASSED IN OS NO.1/2019, REJECTING THE IA NO.XI, FILED UNDER ORDER VII RULE 11(d) OF CPC, FILED BY THE PETITIONER/DEFENDANT NO.3, FOR REJECTION OF PLAINT ON THE FILE OF III ADDITIONAL DISTRICT AND SESSIONS JUDGE AT TUMAKURU AND ETC

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 17.06.2026 passed in I.A.No.XI in O.S.No.1/2019 by the III Additional District and Sessions Judge, Tumakuru, whereby the application filed under Order VII Rule 11(d) of CPC was rejected, the petitioners/dependents are before this Court.

2. The plaintiff filed a petition under Section 276 of the Indian Succession Act, seeking the grant of probate in respect of the Will dated 26.07.1999, which is purported to have been executed by one Maleveeraiah. By an order dated 25.10.2019, the Court converted the petition into an original suit, designating the petitioner as the plaintiff and the respondents as the defendants. The present application was filed seeking



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rejection of the plaint, stating that there are significant differences between probate proceedings and original proceedings. In probate proceedings, the court focuses on the validity of the Will, while a Civil Court in an original suit determines the rights of the parties involved. Consequently, they contend that probate proceedings filed by them were unrelated to the original proceedings initiated by defendant No.4. Therefore, plaint has to be rejected. That application came to be rejected by the order impugned.

3. The trial Court observed that it is not the case of defendant No.4 that any statements made in the plaint or in the petition filed under Section 276 of the Indian Succession Act are barred by law. Instead, defendant No.4 contends that since they have filed a suit for declaration regarding the Will dated 26.07.1999, as well as for the cancellation of the alleged Gift Deed dated 27.08.2016 in O.S.No.45/2023 at the III Additional Senior Civil Judge's Court in Tumakuru, the current petition is not maintainable and same is barred by law. These assertions are not reflected in the petition submitted by the plaintiff. It is well-established principles of law that when



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considering an application for rejection of the plaint, the court should focus on the averments made in the plaint rather than the grounds raised in the written statement or the application for rejection. After examining the averments made in the petition, the Court is of the view that the suit is not barred by any law or that it would fall under any of the provisions of Order VII Rule 11 of CPC and accordingly dismissed the application.

4. Learned counsel for the petitioner has argued before this Court, in similar lines as raised before the trial Court, and submits that when a comprehensive suit is filed, P & SC cannot be continued.

5. Having heard the learned counsel on either side, perused the material on record. The trial court has rightly considered the case and given reasons. The trial Court has particularly observed that all these contentions relate to the comprehensive suit and other matters not stated in the plaint. While considering an application under Order VII Rule 11 CPC, the trial Court can only look at the plaint averments, not the defence taken by the defendant, and has dismissed the



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application. In the considered opinion of this Court, the trial Court has rightly considered the matter, and there are no grounds to interfere. Accordingly, this Court is passing the following:

ORDER

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

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

PKN
List No.: 1 SI No.: 70