HC-KAR
NC: 2026:KHC:50856
CRP No. 684 of 2026
CNR: KAHC010522302026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 684 OF 2026 (IO)

BETWEEN:

M. SUBRAMANI,
S/O. LATE MUNIRAJU,
AGED ABOUT 45 YEARS,
RESIDING AT NO.51,
MADAPPANAHALLI VILLAGE,
KUGOOR POST, ANEKAL TALUK,
BENGALURU - 562 125

...PETITIONER

(BY SRI. LAKSHA KALAPPA B., ADVOCATE)

AND:

1. DOROTHY @ DOROTHY ROBERT
W/O. ROBERTY LOUIS,
AGED ABOUT 86 YEARS,
RESIDING AT NO.553/A,
8TH MAIN, 4TH BLOCK,
KORAMANGALA,
BENGALURU – 560 034

2. NAGARAJ,
S/O. LAKSHMAIAH,
AGED ABOUT 54 YEARS,
RESIDING AT NO.3/599,
RAGHAVENDRA NAGAR,
BAGALUR, HOSUR,
KRISHNAGIRI DISTRICT,
TAMILNADU -635 103

3. G. SARAVANAN,

Digitally signed by SUVARNA T
Location: HIGH COURT OF KARNATAKA

S/O. GOPAL PILLAI,
AGED ABOUT 50 YEARS,
RESIDING AT NO.65,
RKN STREET, 3RD CROSS,
NEAR MAYOR HOUSE, LALBAHADUR NAGAR,
BENGALURU -560 043

4. ANURAG BARMECHA REALTY AND CO,
FLAT 402, SIPANI CLASS - I,
NO.154/1, 1ST CROSS,
6TH BLOCK, KORAMANGALA,
REPRESENTED BY
ANURAG BARMECHA

5. DOROTHY ROBERT
AGED ABOUT 78 YEARS
CLAIMS TO BE W/O. ROBERT LOUIS,
NO.478, DEVARASHOLA,
GUDULUR ROAD, GUDULUR - 643 212,
NILGIRI DISTRICT,
TAMIL NADU

…RESPONDENTS

(BY SRI.M.VINAYA KEERTHI, ADVOCATE FOR
SRI.S.AVINASH SHANKAR, ADVOCATE FOR C/R1)

THIS CRP FILED UNDER SEC.115 OF CPC., AGAINST THE ORDER DATED 07.07.2026 PASSED ON IA NO.19 IN OS NO.1258/2019 ON THE FILE OF II ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, ANEKAL, DISMISSING THE IAN O.19 FILED UNDER ORDER VII RULE 11(d) 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

The present CRP is filed aggrieved by the orders passed on IA.No.19 in OS.No.1258/2019 dated 07.07.2026 by the II Addl. Senior Civil Judge & JMFC, Anekal, whereby the trial court had rejected the application filed under Order VII Rule 11 of CPC, the defendant No.1 is before this court.

2. The respondent herein had filed a suit seeking a declaration that the sale deeds are not binding on her and, consequently, a permanent injunction. The case is that she did not execute the documents and that someone, by impersonating her, created them. The defendant has filed an application under Order VII Rule 11 of the CPC, stating that, as she executed the document, the Sale Deed must necessarily be canceled and that she cannot say the documents are not binding on her. It is submitted that the court fee paid is insufficient. As such, the plaint needs to be rejected. The trial Court, by the impugned order, dismissed the application. While dismissing the application, the trial Court observed that the suit is filed for the relief of declaration. According to the plaintiff, she was impersonated and her signature was forged. The

plaintiff is not a party to the documents which she had challenged. When the plaintiff is not a party to the documents, it is not necessary for the plaintiff to pay court fee on the basis of the considerations mentioned in the documents. The plaintiff prayed for declaration and paid the fixed court fee. For the sake of discussion, if defense of defendant No.1 is to be considered, even if the court fee paid is deficient, the court cannot reject the plaint for want of court fee without providing the plaintiff an opportunity to pay the court fee. In the instant suit, the court fee paid is sufficient. Defendant No.1 pleaded that the suit is barred by law, but defendant No. 1 failed to explain under what law the plaintiff's suit is barred, and accordingly the application was rejected with costs of Rs.1,000/-.

3. Learned counsel appearing for the petitioner/defendant has reiterated the same grounds, and it is submitted that without seeking the relief of cancellation, she cannot maintain the suit. It is a case in which the trial Court has failed to consider the contentions raised by the defendant.

4. Learned counsel appearing for the respondent/plaintiff submits that the trial Court has rightly rejected the plaint and

all these questions cannot be decided by the Court in an application filed under Order VII to 11 of CPC.

5. Having heard the learned counsel on either side, perused the entire material on record. According to the plaintiff, there was forgery and impersonation, and hence she sought the relief to declare that the Sale Deed as null and void, as they were not executed by her, and also sought for an injunction. The petitioner/defendant has raised several grounds, the disputed questions of fact, including knowledge and limitation, cannot be decided in an application under Order VII Rule 11 of CPC. These aspects can only be decided by the court after a full-fledged trial. Limitation is necessarily not a question of fact and law in every case, sometimes it is a pure question of law. But as far as the facts of the present case are concerned, it is a question of fact and law, and the court has rightly rejected the application. This court finds no reason to interfere with order passed by the trial court. Hence, this court is passing the following:

ORDER

i. Accordingly, the Civil Revision Petition is ***dismissed***.

ii. Pending IAs., in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

TS
List No.: 1 Sl No.: 53
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