



CNR: KAHC010539342026

NC: 2026:KHC:55670  
CRP No. 707 of 2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 6<sup>TH</sup> DAY OF OCTOBER, 2026**

**BEFORE**

**THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**CIVIL REVISION PETITION NO. 707 OF 2026 (IO)**

**BETWEEN:**

SMT. S.MALLIKA  
W/O K.N.SHIVA PRASAD,  
AGED ABOUT 45 YEARS,  
R/AT KONDENAHALLI VILLAGE,  
MANCHENAHALLI HOBLI,  
MANCHENAHALLI TALUK,  
CHIKKABALLAPUR DISTRICT  
PIN CODE - 561 211

...PETITIONER

(BY SRI. VENKATESH N., ADVOCATE)

**AND:**

1. SMT. LAKSHMAMMA  
D/O LATE NARASIMHAIAH,  
W/O LATE RAMAPPA,  
AGED ABOUT 75 YEARS
2. SMT. GANGARATHNAMMA  
D/O LATE NARASIMHAIAH,  
W/O LATE VENKATASHIVA REDDY,  
AGED ABOUT 65 YEARS,  
R/AT APPANAPALLI VILLAGE,  
CHELAMATHUR MANDAL,  
ANDHRA PRADESH  
PIN CODE -515 314
3. SRI. NARAYANA REDDY  
S/O LATE NARASIMHAIAH,

Digitally  
signed by  
SUVARNA T  
Locat  
HIGH COURT  
OF  
KARNATAKA



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AGED ABOUT 71 YEARS

4. SMT. SHARADHAMMA  
W/O LATE AVULAPPA  
AGED ABOUT 60 YEARS
5. SMT. VENKATALAKSHMI  
D/O LATE AVULAPPA  
AGED ABOUT 30 YEARS,
6. SRI. NARENDRA  
S/O LATE AVULAPPA  
AGED ABOUT 28 YEARS,

RESPONDENT NO.1, 3 TO 6 ARE  
R/AT KONDENAHALLI VILLAGE  
MANCHENAHALLI HOBLI AND TALUK,  
CHIKKABALLAPUR DISTRICT,  
PIN CODE - 561 211

...RESPONDENTS  
(BY SRI. SHANKARAPPA G.S., ADVOCATE FOR R1, R2, R4, R5  
AND R6  
R3 SERVED)

THIS CRP FILED UNDER SEC.115 OF CPC., AGAINST THE  
ORDER DATED 22.07.2026 PASSED ON IA IN OS NO.430/2024  
ON THE FILE OF ADDITIONAL CIVIL JUDGE AND JMFC,  
GOWRIBIDANUR, DISMISSING THE APPLICATION 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



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**ORAL ORDER**

Petitioner/defendant No.5 is before this Court aggrieved by the order dated 22.07.2026 passed on I.A under Order VII Rule 11 of CPC in O.S.No.430/2024 on the file of the Additional Civil Judge and JMFC, Gowribidanur.

2. The suit was filed seeking partition and separate possession of the plaintiff's half share in the suit schedule property by metes and bounds. The sale deed dated 23.09.1993 executed by defendant No.1 in favour of defendant No.5 is not binding on the share of the plaintiffs and for other reliefs. In the said suit, an application was filed under Order VII Rule 11 of CPC seeking rejection of the plaint. The whole case of defendant No.5 is that defendant No.1 has purchased the property in the year 1996. As per Section 6A of the Amended Hindu Succession Act, 2005 and Limitation Act of 1963, the plaintiff cannot maintain the suit against the defendant, as no relief has been provided by the twin Acts. The plaintiff, with a mala fide intention, had filed the present suit, and hence the plaint needs to be rejected. That application came to be dismissed by order impugned.



3. While dismissing the application, the trial Court has observed that on a plain reading of the plaint and the documents produced along with it, the Court finds that the questions as to whether Item No.1 of the suit schedule property was the self-acquired property of defendant No.1, whether it is part of the Hindu Joint Family Properties, whether defendant No.1 had exclusive right to alienate the property and whether the sale deed executed in favour of defendant No.5 is binding on the plaintiffs, are all the disputed questions of fact, requiring adjudication on the basis of pleadings and evidence during a full-fledged trial. Such questions cannot be decided while considering an application under Order VII Rule 11 of CPC. A meaningful reading of the plaint does not disclose that the suit is barred by any law and, accordingly, the trial Court had dismissed the application.

4. Learned counsel appearing for the petitioner submits that, as the vendor purchased suit Item No.1 of the scheduled property in the year 1996, in the light of the amendment to the Hindu Succession Act, all those transactions prior to 2004 are protected, and on that ground, the plaint has



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to be rejected. He relied on the judgment of the Apex Court in the case of ***N Asha Devi Vs. R Aravind Kumar & Anr***<sup>1</sup>. He relied on paragraph No.10, which reads as under:

***"10. The cause of action, as seen from the above, according to us, arose on the first communication cancelling the Joint Venture Agreement dated 20.04.2016. The further communications between the appellant and the respondent only highlights the dispute, arising from the cancellation, and does not create a fresh cause of action in any event. The suit was filed in October 2022, grossly delayed from year 2016 itself; even 22.11.2016, the last but one of the dates in the above extract. The contention of the respondent/plaintiff seems to be that on 08.06.2022, they issued a public notice cautioning third parties from purchasing the plaint schedule properties. This does not create a fresh cause of action, since the publication was in self-interest, which itself was grossly delayed."***

5. He relied on another judgment of this Court in the case of ***Jade Garden Plot Owner's Association, Sadahalli, Devanahalli Taluk, Bengaluru Rural District Vs. Smt. Bhagyalakshmi and others***<sup>2</sup>. He relies on Section 6 of the Hindu Succession Act and submits that the plaint has to be rejected as far as defendant No.5 is concerned in respect of Item No.1 of the suit schedule property.

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<sup>1</sup> 2026 INSC 908

<sup>2</sup> 2025 (4) Kar.L.J.615



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6. The learned counsel appearing for the respondents submits that there are as many as 5 properties and that the petitioner is concerned only with Item No.1 of the property. Even if, for argument's sake, the Court has to pass an order, the remaining properties still have to be decided, and partial rejection of the plaint is not permissible. He relies on the judgment of the Apex Court in the case of ***Kum. Geetha D/o Late Krishna and others Vs. Nanjundaswamy and others***<sup>3</sup>. He relied on paragraph No.13 which reads as follows:

***"13. In view of the above referred principle, we have no hesitation in holding that the High Court committed an error in rejecting the plaint in part with respect to Schedule-A property and permitting the Plaintiffs to prosecute the case only with respect to Schedule-B property. This approach while considering an application under Order VII Rule 11, [CPC](#) is impermissible. We, therefore, set aside the judgment and order of the High Court even on this ground."***

Relying on this, it is submitted that the trial Court had rightly dismissed the application and there are no grounds to interfere.

7. Having heard the learned counsels on either side, perused the material on record. The plaintiff has filed the suit

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<sup>3</sup> (2024) 14 SCC 390



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seeking partition. Defendant No. 5 had purchased a property from defendant Nos.1 to 4, who purchased the property in the year 1996. According to him, under Section 6 of the Hindu Succession Act, the said transactions are protected and that cannot be questioned. In that regard, he relied on the judgments referred to supra. This Court has perused the plaint. There are about 5 scheduled properties. The petitioner is concerned with only one property. Even if any adjudication is done on that aspect, even if the court comes to any conclusion that there is no relief as far as the defendant is concerned, the court cannot reject the plaint, as partial rejection of the plaint is not permissible in the light of the settled law. In that view of the matter, this Court do not find any reason to interfere with the well-considered order of the trial Court. Accordingly, this Court is passing the following:

**ORDER**

- i. Accordingly, CRP is ***dismissed***.
- ii. Pending IAs., if any, shall stand closed.

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