



CNR: KAHC010549152026

NC: 2026:KHC:43294
CRP No. 719 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 719 OF 2026 (IO)

BETWEEN:

1. SRI SRINIVAS
S/O SRI. VENKATACHALAPPA
AGED ABOUT 55 YEARS,
R/AT NO.500, MANASA ROAD,
PRIYANKA NAGARA,
K.R.PURAM, VIRGO NAGAR POST,
BENGALURU - 560 049

2. SRI. GOVINDARAJ
S/O SRI. VENKATACHALAPPA
AGED ABOUT 53 YEARS
R/AT NO.9, 5TH CROSS,
MARIYAMMA TEMPLE ROAD,
SWATHANTRA NAGARA,
K.R.PURAM, VIRGO NAGAR POST,
BENGALURU - 560 049

...PETITIONERS

(BY SRI. H.R. NARAYAN RAO, ADVOCATE FOR
SRI. RAJESWARA P.N., ADVOCATE)

AND:

1. SMT. RADHAMMA V.
D/O VENKATACHALAPPA
AGED ABOUT 50 YEARS
R/AT NO.19/A, 5TH CROSS,

Digitally
signed by
SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA



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SWATHANTHRANAGAR
BENGALURU - 560 019

...RESPONDENT

THIS CRP IS FILED UNDER SEC.115 OF CPC., AGAINST THE ORDER DATED 05.06.2026 PASSED ON IA NO.II IN OS NO.26438/2023 ON THE FILE OF LXXIV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, MAYOHALL UNIT, CITY CIVIL COURT, BENGALURU (CCH-75)., REJECTING THE IA NO.II FILED UNDER ORDER VII RULE 11(a) AND (b) 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

The petitioners-defendants are before this Court, aggrieved by the order passed on IA No.II in OS No. 26438/2023 dated 05.06.2026 by the 74th Additional City Civil and Sessions Judge, Mayohall Unit, Bengaluru (CCH-75).

2. The respondent herein has filed suit seeking directions for the defendants to quit and vacate the scheduled property, to deliver the vacant possession of the suit property to the plaintiff, and to grant a permanent injunction. In the said suit, the defendants have filed IA No. II under Order VII Rule 11 (a) and (b), read with Section 151 of the CPC, contending



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that the court fee paid is not proper when they are seeking recovery of money and that there is no cause of action for filing this suit, said application was rejected by the impugned order. While dismissing the application, the Trial Court observed that whether the defendants are in possession of the suit schedule property can only be decided after a full-fledged trial.

3. In the present case, the plaintiff is seeking the relief of possession, directing the defendants to quit and vacate the scheduled property and to deliver the vacant possession of the same to the plaintiff, and also seeking the relief of a permanent injunction, restraining the defendants from interfering with the peaceful possession and enjoyment of the suit scheduled property. A perusal of the documents produced by the plaintiff explains everything, and nowhere in those documents does it imply or state that the plaintiff is guilty of causing undue harassment to the defendants. Therefore, the grounds made out by the defendants in the application are not maintainable, and the application is liable to be rejected.



4. In view of the aforesaid findings of fact, the defendants have failed to establish any of the grounds stated under Order VII Rule 11 of the CPC for rejection of the plaint.

5. The judgments relied on by the learned counsel for the defendants are not applicable to the present case in hand, and the facts and circumstances of the judgments are entirely different, and the defenses taken by the defendants cannot be accepted at all and are accordingly rejected.

6. Learned counsel for the petitioners submits that they have taken the plea that the court fee paid is not sufficient and that the plaint has to be rejected. The order contains no discussion of that. Further, it is the case of the defendants that they are in possession of the property and that the suit filed is not maintainable. In the plaint, the cause of action as stated by the plaintiff is, in fact, a few dates that are given; no explanation is forthcoming. As such, there is no cause of action for the suit, and on all these grounds, the plaint has to be rejected.



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7. Having heard the learned counsel for the petitioner and perused the material on record. The respondent-plaintiff has filed a suit seeking rejection of the plaint and also sought for permanent injunction. In the plaint, it is stated that they are the owners of the property by way of a registered sale deed, and they have also mentioned the interference and the complaint given to the police. When the Court looks at the plaint as a whole, as the plaint is a bundle of facts, merely looking at the paragraph containing the cause of action will not be the decisive factor. Hence, on the face of it, there is a cause of action.

8. Then, regarding the court fee, although the petitioners have raised a ground, it appears that in the order, the trial Court has not considered the same and there is no finding with regard to this. Hence, it is always open to the plaintiff to raise this issue, and the Court can always frame an issue in that regard. For that reason, the Trial Court cannot dismiss the suit. This Court do not find any reason to interfere with the impugned order.



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9. In that view of the matter, this Court is passing the following:

ORDER

- i. Accordingly, the Civil Revision Petition is ***dismissed.***
- ii. It is left open to the petitioners to raise the issue of court fees.
- iii. Pending IAs, if any, in the petition shall stand closed.

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

SMC
List No.: 1 Sl No.: 16