



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 818 OF 2025 (IO)

BETWEEN:

1. SMT AMMAYAMMA
W/O LATE T.S. NARAYANA REDDY
AGED ABOUT 73 YEARS
2. SMT. BHAGYAMMA
D/O LATE T.S. NARAYANA REDDY
AGED ABOUT 45 YEARS
3. SRI. MANJUNATHA
S/O SRI. NAGARAJAPPA
AGED ABOUT 32 YEARS

ALL ARE RESIDING AT NO.14
PATTAREDDY PALYA,
NEAR SLV GARDEN,
KANAKAPURA MAIN ROAD,
BENGALURU-560 082

...PETITIONERS

(BY SRI. ANANDA V., ADVOCATE)

AND:

SMT. JAYALAKSHMI
D/O LATE T.S. NARAYANA REDDY
W/O THIMMAREDDY
AGED ABOUT 47 YEARS
R/AT PATTAREDDY PALYA VILLAGE,
UTTARAHALLI HOBLI,
KANAKAPURA MAIN ROAD,
BENGALURU SOUTH TALUK,



BENGALURU -560 082

...RESPONDENT

THIS CRP FILED U/S. 115 OF CPC PRAYING TO SET ASIDE THE ORDER DATED 17.07.2025 PASSED ON IA NO. 3 IN OS NO. 1584/2023 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE, BENGALURU (R) DISTRICT, BENGALURU, REJECTING THE IA NO. 3 FILED U/O 7 RULE 11(a), (b) AND (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

Aggrieved by the orders passed I.A.No.3 in O.S.No.1584/2023 dated 17.07.2025 by the II Addl. Senior Civil Judge, Bengaluru Rural District, Bengaluru, the defendant is before this court.

2. The plaintiff/respondent herein has filed a suit for partition and separate possession. The defendant has filed the application under Order VII Rule 11 of the CPC seeking rejection of the plaint. It is the case of the defendant that the suit-scheduled property was allotted to the share of Narayan Reddy. During the lifetime of Narayan Reddy, he executed a registered WILL dated 03.04.2000, and as per the WILL, the 'A' schedule property was allotted to defendant No.1, the 'B'



schedule property to B.Suresh and B.Krishnamurthy, who are the sons of Bayyareddy, and the 'C' schedule property to his second brother, Krishna Reddy. The said Narayan Reddy died on 08.10.2000, and the khata was entered in the name of defendant No.1. Thereafter, defendant No.1 converted the land and executed a Joint Development Agreement in favour of M/s. Concorde Housing Corporation Private Limited. Thereafter, defendant No.1 executed three registered Gift deeds. The plaintiff, being the daughter, shall not affect or invalidate any disposition or alienation, including any partition, which had taken place before 20.12.2004. In the present case, a partition took place between Narayanareddy and his brothers on 24.01.1977, and Narayanareddy executed a registered will dated 03.04.2000. Hence, the present application is filed to reject the plaint. In response, the plaintiffs have filed an application opposing the same. It is stated that after the demise of the plaintiff's father, T.S. Narayanareddy, there was no partition among the co-owners at any point of time. The transaction between defendant Nos.1 and 2 is not binding on the plaintiff, since the plaintiff is in joint possession of the suit-scheduled property.



3. The trial court, by the impugned order, has dismissed the application. While dismissing the application, the trial court observed that the defendant submits that a registered WILL was executed by T.S.Narayanareddy in favour of defendant No.1 on 03.01.2000. It is the specific case of these defendants that the plaintiff cannot question the said partition deed between the father of the plaintiff and his brothers, and the WILL executed by the father of the plaintiff in favour of defendant No.1 and his brothers. However, the plaintiff, in the entire plaint, nowhere disclosed the alleged WILL dated 03.04.2000. The plaintiff has categorically stated that, being the daughter of Narayanreddy, the plaintiff is entitled to 1/3rd share in the suit schedule property, as the same are ancestral properties. The allegations made by the defendant in the application are nothing but the defence of the applicants therein. In deciding the present application, the court cannot consider the defence raised by the defendants. The plaintiff has made out a case which calls for trial. Whether the suit schedule property, as stated by the plaintiff, is ancestral property, and whether the gift deed executed by defendant No.1 in favour of defendant No.3 is not binding, cannot be decided at this stage.



Accordingly, the application filed under Order VII Rule 11 of CPC is rejected.

4. Learned counsel appearing for the petitioner submits that the suit itself is not maintainable, as the suit schedule properties were partitioned long back and a WILL was executed, and by clever drafting, the plaintiff has suppressed all these issues. It is submitted that the defendant has filed the written statement and brought to the notice of the trial court the alleged WILL and the trial court ought to have considered all this and ought to have rejected the plaint.

5. Having heard the learned counsel appearing for the petitioner, perused the material on record. The court can only consider the plaint averments and the documents, if any, filed along with the plaint when an application is filed under Order VII Rule 11 of the CPC seeking rejection of the plaint. In this case, as per the plaint, the plaintiff has shown a cause of action. The trial court has rightly held that, based on the averments in the written statement, the application filed under Order VII Rule 11 of the CPC cannot be considered. The trial court has rightly observed that whether the property is



ancestral property, and whether the gift deed executed by defendant No.1 in favour of defendant No.3 is binding, can be decided only during the course of the trial, and that under the provisions of Order VII Rule 11 of the CPC the plaint cannot be rejected. In the considered opinion of this court, the findings arrived at by the trial court are just and reasonable, and no interference is called for.

6. Accordingly, this Court is passing the following:

ORDER

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

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

TS
List No.: 1 Sl No.: 33