



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

REGULAR FIRST APPEAL NO.2637/2025 (DEC/INJ)

BETWEEN:

SHRI. D.U. MALLIKARJUNA
AGED ABOUT 58 YEARS
S/O SHRI D.S. UMAPATHY
RESIDING AT NO.286, 38TH CROSS
8TH BLOCK, JAYANAGAR
BENGALURU-560050.

...APPELLANT

(BY SRI. JAYAKUMAR S. PATIL, SR. ADV., FOR
SMT. SONU S, ADV.,)

AND:

1. SMT. VINUTHA C.R.
W/O UDAY K.M.
AGED ABOUT 41 YEARS
RESIDING AT NO.4/204
VISHAL PALACE, 1ST CROSS
MALLESHWARAM
BENGALURU-560003.
2. SHRI. UDAY K.M.
AGED ABOUT 48 YEARS
S/O SRI. MADIAH
RESIDING AT NO.4/204
VISHAL PALACE
1ST CROSS

Digitally signed
by ARSHIFA
BAHAR KHANAM
Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:14005-DB
R.F.A. No.2637/2025

MALLESHWARAM
BENGALURU-560003.

...RESPONDENTS

(BY SRI. BIPIN HEGDE, ADV., FOR
SRI/SMT. SHERVIL ADAPPA, ADV., FOR C/RESPONDENT)

THIS RFA IS FILED UNDER SEC.96 ORDER XLI RULE 1 OF CPC., 1908, PRAYING TO CALL FOR THE RECORDS IN O.S.1225/2022 ON THE FILE OF THE VII ADDL. SENIOR CIVIL JUDGE AND JMFC, BANGALORE. HEARD THE APPEAL AND SET ASIDE THE IMPUGNED JUDGMENT DATED 01.04.2025, PASSED IN O.S.1225/2022 ON THE FILE OF THE VII ADDL. SENIOR CIVIL JUDGE AND JMFC BANGALORE RURAL AND DECREE THE SUIT IN FAVOUR OF THE APPELLANT, IN THE INTEREST OF JUSTICE AND EQUITY & ETC.

THIS APPEAL HAVING BEEN HEARD AND RESERVED ON 27.02.2026, COMING ON FOR PRONOUNCEMENT OF JUDGMENT, THIS DAY **VIJAYKUMAR A. PATIL J.**, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL)

This regular first appeal is filed under Section 96 of the Code of Civil Procedure, 1908, by the plaintiffs challenging the judgment and decree dated 01.07.2025 passed in O.S.No.1225/2022 by the Court of VII Additional



Senior Civil Judge and JMFC, Bengaluru Rural District,
Bengaluru (for short 'the Trial Court').

2. The parties are referred to as per their rankings before the Trial Court.

3. The brief facts leading to filing of the appeal are that the plaintiff filed a suit in O.S.No.1225/2022 seeking declaration that the gift deed dated 12.12.2016 is a fraudulent document, declaration that any transaction in regard to the suit schedule property is not binding on the plaintiffs and other reliefs. In the said suit, the defendant No.2 filed an application seeking rejection of the plaint on the ground that the plaint was filed beyond the period of limitation. The Trial Court, on consideration of the plaint averments, submissions and the provisions of law, proceeded to allow the application and rejected the plaint on the ground that it was filed beyond the period of limitation. Being aggrieved, this appeal is filed.



4. Sri.Jayakumar S. Patil, learned Senior counsel appearing for the appellant-plaintiff submits that the Trial Court has committed a grave error in allowing the application filed by the defendant No.2, without appreciating the material on record in its proper perspective. It is submitted that the gift deed dated 12.12.2016 was executed by fraudulent means by the defendants. It is further submitted that the signature of the plaintiff on the gift deed dated 12.12.2016 was obtained through deception, while simultaneously obtaining signatures on a cancellation agreement. It is also submitted that the Trial Court has erroneously considered the period of limitation to begin from 12.12.2016 i.e. the date of the execution of the gift deed, whereas the limitation ought to begin from the date the plaintiff was aware of the said gift deed i.e on 05.05.2022. It is contended that the plaintiff is a stranger to the family of the defendants, which creates suspicion with regard to the gift deed dated 12.12.2016 and the same is required



to be looked into by the Trial Court during the trial. It is further contended that the issue with regard to the limitation is a mixed question of law and fact and requires evidence. Hence, he seeks to allow the appeal.

5. *Per contra*, Sri.Bipin Hegde, learned counsel appearing for Sri.Shervil Adappa, learned counsel for the respondents supports the impugned order of the Trial Court and submits that the Trial Court has rightly appreciated the law on the point and proceeded to reject the plaint on the ground of limitation. Hence, he seeks to dismiss the appeal.

6. We have heard the arguments of the learned counsel for the appellant-plaintiff, learned counsel for the respondents-defendants and meticulously perused the material available on record. We have given our anxious consideration to the submissions advanced on both the sides.



7. The point that arises for our consideration is:

"Whether the impugned judgment and decree calls for any interference?"

8. The material on record indicates that the plaintiff has filed a suit in O.S.No.1225/2022 seeking declaration that the gift deed dated 12.12.2006 is obtained by fraudulent means, declaration that transactions undertaken by the defendants with respect to the suit schedule property is not binding on the plaintiff and also the relief of mandatory and prohibitory injunction against the defendants. In the said suit, the defendant No.2 filed an application seeking rejection of plaint on the ground that the suit was barred by limitation. The Trial Court, on considering the plaint averments and the provisions of law, proceeded to allow the application and reject the plaint.

9. The contention of the learned Senior counsel for the appellant-plaintiff is that the period of limitation



ought to start from the date of discovery of the fraud and not from the date of execution of the gift deed and it is a mixed question of law and fact requiring trial. The said contention was also raised before the Trial Court and was rightly rejected, as the gift deed is a registered document which was signed by the plaintiff. A mere assertion that he was unaware of the said gift deed cannot justify the delay in filing the suit. The Trial Court has rightly placed reliance on the decision of the Hon'ble Supreme Court in the case of ***DILBOO V DHANRAJ AND OTHERS***¹, wherein it was held that whenever a document is registered, the date of registration would become the date of deemed knowledge.

10. It would also be useful to refer to the decision of the Hon'ble Supreme Court in the case of ***SURAJ LAMP & INDUSTRIES (P) LTD. (2) V. STATE OF HARYANA***², wherein it was held as under:

¹ (2000) 7 SCC 702

² (2012) 1 SCC 656



15. *In the earlier order dated 15-5-2009 [(2009) 7 SCC 363 : (2009) 3 SCC (Civ) 126] , the objects and benefits of registration were explained and we extract them for ready reference: (SCC p. 367, paras 15-18)*

"15...

16....

17.....Registration of a document gives notice to the world that such a document has been executed.

18. Registration provides safety and security to transactions relating to immovable property, even if the document is lost or destroyed. It gives publicity and public exposure to documents thereby preventing forgeries and frauds in regard to transactions and execution of documents. Registration provides information to people who may deal with a property, as to the nature and extent of the rights which persons may have, affecting that property. In other words, it enables people to find out whether any particular property with which they are concerned, has been subjected to any legal obligation or liability and who is or are the person(s) presently having right, title, and interest in the property. It gives solemnity of form and perpetuate documents which are of legal importance or relevance by recording them, where people may see the record and enquire and ascertain what the particulars are and as far as land is concerned what obligations exist with regard to them. It ensures that every person dealing with immovable property can rely with confidence upon the statements contained in the registers (maintained under the said Act) as a full and complete account of all transactions by which the title to the property may be affected and secure extracts/copies duly certified."



11. The aforesaid enunciation of law laid down by the Hon'ble Supreme Court makes it clear that the registration of a document serves as a deemed and constructive notice, which can be ascertained by undertaking due diligence. In the instant case, the contention of the plaintiff that he was unaware of the gift deed cannot be accepted purely because the said gift deed is a registered document, which could have been ascertained by due diligence. Admittedly, the registered gift deed is dated 12.12.2016 and the suit filed by the appellant for cancellation of the said instrument was on 07.06.2022, which is beyond the period of limitation provided for a suit for declaration i.e. 3 years. The aforesaid dates and events make it very clear with regard to the limitation and hence, the contention that it is a mixed question of law and fact has no merit. The registered gift deed dated 12.12.2016 is executed by the plaintiff in favour of the defendants and a suit is filed beyond the period of limitation. Therefore, he cannot now



contend that the defendants are strangers to the family and such a contention has no bearing with regard to the computation of limitation.

12. Hence, the impugned judgment and decree passed by the Trial Court is after considering the law in its proper perspective, which does not call for any interference.

13. For the aforementioned reasons, the appeal is devoid of merits and is accordingly rejected. Consequently, the pending interlocutory application stands disposed of.

No order as to costs.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE