



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.2765/2025 (PAR/DEC)

BETWEEN:

1. SMT. SAROJA
D/O VENKATAMMA
AND VENKATESHAPPA
W/O NARASIMHAMURTHY
AGED ABOUT 43 YEARS
R/A BHUVANAHALLI VILLAGE
KASABA HOBLI, DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-562 110.
2. SMT. YASHODHA
D/O VENKATAMMA
AND VENKATESHAPPA
W/O SAMUVEL .M
AGED ABOUT 39 YEARS
R/A NO.VENKATAGIRIKOTE VILLAGE
VIJAYAPURA HOBLI, DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-562 110.
3. SMT. ROHINI K.Y.
D/O VENKATAMMA
AND VENKATESHAPPA
W/O YASHWANTH
AGED ABOUT 36 YEARS
R/A NO.261, MARANAYAKANAHALLI VILLAGE
JALA HOBLI, YELAHANKA TALUK
BENGALURU URBAN DISTRICT-562 157.

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by ARSHIFA
BAHAR KHANAM
Location: HIGH
COURT OF
KARNATAKA



4. SMT. MANJULA
D/O NARAYANAMMA
AND LATE MUNIYAPPA
W/O SWARNABABU
AGED ABOUT 44 YEARS
R/A NO.31, G. MUNIYAPPA GARDEN
P.S.K NAIDU ROAD, DODDAGUNTA
COCKS TOWN, FRAZER TOWN
BENGALURU NORTH TALUK
BENGALURU URBAN DISTRICT-562 157

ALSO AT:
YAMBRAHALLI VILLAGE, KASABA HOBLI
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-562 112.
5. SRI. PRAKASHA
S/O LATE NARAYANAMMA
AND LATE MUNIYAPPA
AGED ABOUT 42 YEARS
R/A YAMBRAHALLI VILLAGE, KASABA HOBLI
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-562 112.
6. SMT. MADHAVI G.M.
D/O NARAYANAMMA
AND LATE MUNIYAPPA
W/O OBALESH .N
AGED ABOUT 39 YEARS
R/A NO. AMBAJI DURGA
DODDA MUNIMANGALA, KASABA HOBLI
CHIKKABALLAPURA TALUK
AND DISTRICT-563125.

ALSO RESIDING AT:
KADRI PURA VILLAGE, VEMAGAL HOBLI
KOLAR TALUK AND DISTRICT-563116.

...APPELLANTS

(BY SRI. BALAKRISHNA K, ADV.,)



AND:

1. SMT. VENKATAMMA
W/O LATE VENKATESHAPPA
AGED ABOUT 75 YEARS.
2. SRI. KRISHNAPPA
S/O VENKATAMMA
AND LATE VENKATESHAPPA
AGED ABOUT 55 YEARS.
3. SRI. VASUDEVA
S/O VENKATAMMA
AND LATE VENKATESHAPPA
AGED ABOUT 52 YEARS.

RESPONDENT NOS.1 TO 3 ARE
R/AT. YAMBRAHALLI VILLAGE
KASABA HOBLI, DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-562 112.

4. SRI. MUNIRAJU
S/O VENKATAMMA
AND LATE VENKATESHAPPA
AGED ABOUT 46 YEARS
R/AT JANGAMAKOTE VILLAGE AND HOBLI
SHIDLAGHATTA TALUK
CHIKKABALLPURA DISTRICT-562 102.
5. SRI. A. RAFI @ A. RAFI AHAMMED BHASHA
S/O S.A. RAHIM
AGED ABOUT 77 YEARS
R/AT JALAPPA ROAD, TALUK OFFICE ROAD
DEVANAHALLI TOWN
BENGALURU RURAL DISTRICT-562110.
6. SRI. HARISH .S
S/O LATE D.M. SRINIVASIAH
AGED ABOUT 48 YEARS.



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7. SMT. CHANDRAKALA
W/O HARISH .S
AGED ABOUT 44 YEARS.

RESPONDENT NOS.6 & 7 ARE
R/AT DODDAJALA GRAMA, JALA HOBLI
YELAHANKA TALUK
BENGALURU DISTRICT-562157.

...RESPONDENTS

(BY SRI. UDAY K.S ADV., FOR C/R6)

THIS RFA IS FILED UNDER SECTION 96 OF CPC, PRAYING TO SET ASIDE THE ORDER PASSED UNDER ORDER 7 RULE 11(a) AND (d) IN O.S.NO.557/2024 DATED 08.09.2025 ON THE FILES OF III ADDL. SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI, C/C II ADDL. SENIOR CIVIL JUDGE & JMFC AT DEVANAHALLI ALLOW THE APPEAL AND CALL FOR RECORDS FROM THE TRIAL COURT AND RETURN BACK THE MATTER TO TRIAL COURT TO CONSIDER THE PLAINT FOR PARTITION AND OTHER RELIEFS AS THAT MAY BE GRANTED BY THIS HON'BLE COURT, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

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



ORAL 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 08.09.2025 passed in O.S.No.557/2024 by the Court of III Additional Senior Civil Judge and JMFC at Devanahalli (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 the filing of this appeal are that the plaintiffs filed a suit in O.S.No.557/2024 seeking partition and declaration that the sale deeds dated 23.01.2007 and 18.06.2007 are not binding on the plaintiffs and other reliefs. In the said suit, the defendant Nos.6 and 7 filed an application seeking rejection of the plaint on the ground that the plaint did not disclose a cause of action and 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.Balakrishna K, learned counsel appearing
for the appellants-plaintiffs submits that the Trial Court
has committed a grave error in allowing the application
filed by the defendant Nos.6 and 7, without appreciating
the material on record in its proper perspective. It is
submitted that the appellants were not aware about the
sale deeds dated 23.01.2007 and 18.06.2007 and that
their signatures were taken on the same under a false
pretext that it was required for certain loan documents. It
is further submitted that the appellants filed the said suit
as soon as they were aware of the said sale deeds and the
limitation is to be considered from the date of such
knowledge. It is also submitted that the Trial Court has
failed to consider the fact that the limitation in a suit is a



mixed question of law and facts and the same ought to be decided in the Trial. It is contended that the suit is for partition as well as declaration, which is required to be heard on merits after a full-fledged trial. Hence, he seeks to allow the appeal.

5. *Per contra*, Sri.Uday.K.S, learned counsel for the respondent No.6 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, which does not call for any interference. Hence, he seeks to dismiss the appeal.

6. We have heard the arguments of the learned counsel for the appellants, learned counsel for the respondent No.6 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 plaintiffs have filed a suit in O.S.No.557/2024 seeking for partition and declaration that the sale deeds dated 23.01.2007 and 18.06.2007 are not binding on the plaintiffs and other reliefs. In the said suit, the defendant Nos.6 and 7 filed an application seeking rejection of plaint on the ground that the suit did not disclose a cause of action and was also 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 counsel for the appellants-plaintiffs is that the sale deeds were fraudulently obtained and that the period of limitation ought to start from the date of discovery of the sale deeds



and not from the date of execution of the sale deeds since it is a mixed question of law and facts requiring trial. However, the Trial Court has recorded a clear finding that the plaintiffs themselves are signatories to the sale deeds and the plaintiffs, after a lapse of over 15 years cannot turn around and contend that they were unaware of the said sale deeds. Moreover, the sale deeds in question being registered documents, a mere assertion that they were unaware of the said registered sale deeds cannot justify the delay in filing the suit. To appreciate the same, it would be useful to place reliance on the decision of the Hon'ble Supreme Court in the case of **DILBOO Vs. DHANRAJ AND OTHERS**¹, wherein it was held as under:

"20. Whenever a document is registered the date of registration becomes the date of deemed knowledge. In other cases where a fact could be discovered by due diligence then deemed knowledge would be attributed to the plaintiff because a party cannot be allowed to extend the period of limitation by merely claiming that he had no knowledge."

10. It would also be useful to refer to the decision of the Hon'ble Supreme Court in the case of **SURAJ LAMP**

¹ (2000) 7 SCC 702



**AND INDUSTRIES (P) LTD. (2) Vs. STATE OF
HARYANA²**, wherein it was held as under:

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

² (2012) 1 SCC 656



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 sale deeds cannot be accepted purely because the said sale deeds in question are registered documents, which could have been ascertained by due diligence. Admittedly, the registered sale deeds were executed on 23.01.2007 and 18.06.2007, whereas the suit filed by the appellants for partition and declaration that the sale deeds are not binding, was on 31.05.2024 i.e. after 16 years, which is beyond the period of limitation provided for a suit for declaration i.e. 3 years.

12. The learned counsel for the appellants also contends that the suit is a partition suit that requires



adjudication. However, such a contention holds no merit as the property transferred in the said sale deeds is also the subject matter of the property sought to be partitioned. It is clear that the land was granted to the grandfather of the plaintiffs, which is considered to be a self-acquired property and he sold the same to the defendants. Hence, in view of the conveyance of the said properties, there is no cause of action to file a suit for partition since there is no independent right to seek partition of the said property.

13. Hence, we are of the considered view that the Trial Court has rightly appreciated the averments in the plaint, provision of law and held that there is no cause of action and that the suit is barred by limitation. The said finding of the Trial Court does not warrant any interference.

14. 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

RV
List No.: 1 Sl No.: 15