HC-KAR
NC: 2026:KHC:62161
CRP No. 52 of 2026
CNR: KAHC010039642026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 52 OF 2026 (IO)

BETWEEN:

M/S ARVIND HOMES PVT. LTD.,
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 2013
HAVING REGISTERED OFFICE
AT NO.24
GOVERNMENT SERVANT SOCIETY
NR MUNICIPAL MARKET,
C.G ROAD, AHMEDABAD,
GUJARAT- 380 009

REP. BY ITS AUTHORISED SIGNATORY
MOHAMMED SAMIULLA
S/O AHMED JAN
AGED ABOUT 45 YEARS
HAVING OFFICE AT
NO.64, INFANTRY ROAD
OPP. PRESTIGE SALEH AHMED BUILDING
BENGALURU-560 001

Digitally signed by SUVARNA T
Location: HIGH COURT OF KARNATAKA

...PETITIONER

(BY SRI. CHIDANANDA P., ADVOCATE)

AND:

1. SRI RAMANJANI
S/O BACHAPPA
AGED ABOUT 80 YEARS
R/AT NO.1009, 1ST CROSS
KHB ROAD, NEW KAVAL

BYRASANDRA EXTENSION
RT NAGAR POST
BENGALURU-560 032

2. SMT. P. YASHODA
W/O RAMANJANI
AGED ABOUT 73 YEARS
R/AT NO.1009, 1 CROSS KHB ROAD,
NEW KAVAL BYRASANDRA EXTENSION
RT NAGAR POST
BENGALURU-560 062

3. MRS.R.HEMA
D/O RAMANJANI
AGED ABOUT 48 YEARS
R/AT NO.1009, 1ST CROSS
KHB ROAD, NEW KAVAL BYRASANDRA
EXTENSION, RT NAGAR POST
BENGALURU-560 062

4. MR.RAJIV RAMANJANI
S/O RAMANJANI
AGED ABOUT 47 YEARS
R/AT NO.1009, 1ST CROSS
KHB ROAD, NEW KAVAL BYRASANDRA
EXTENSION, RT NAGAR POST
BENGALURU-560 062

5. MS. RAMAMANI N.C
W/O RAJIV RAMANJANI
AGED ABOUT 44 YEARS
R/AT NO. 1009, 1 CROSS KHB ROAD,
NEW KAVAL BYRASANDRA EXTENSION,
R.T NAGAR POST,
BANGALORE-560 062

6. MR. B.S PRAKASH
S/O SHANKARAPPA,
AGED ABOUT 48 YEARS,
R/AT.LINGADHEERAGOLLAHALLI

KUNDANA POST, DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-562 110

7. MS. GIRIJA
D/O SHANKARAPPA
AGED ABOUT 42 YEARS,
R/AT LINGADHEERAGOLLAHALLI
KUNDANA POST
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-562 110

8. M/S HOYSALA PROJECTS
PVT. LTD. COMPANY
HAVING ITS REGISTERED OFFICE
AT NO.104, GROUND FLOOR,
INFANTRY TECHNO PARK
INFANTRY ROAD, OPP. GEM PLAZA
BENGALURU-560 001
REP. BY ITS AUTHORISED SIGNATORY
MR.DEEPAK T.P.

9. SRI. SHANMUGAM P
S/O S.PAMPAPATHI
AGED ABOUT 50 YEARS
NO.45, 8TH 'A' CROSS
R/AT NO.F-10, ESHWARI ENCLAVE
SULTHANPALYA MAIN ROAD
KANAKANAGAR
BENGALURU-560 032

10. SRI.R.NAGHABHUSHAN
S/O LATE RACHAPPA
AGED ABOUT 56 YEARS
R/AT LINGADHEERAGOLLAHALLI
KUNDANA POST
DEVANAHALLI TALUK

…RESPONDENTS

CNR: KAHC010039642026

THIS CRP FILED UNDER SEC.115 OF CPC., AGAINST THE ORDER DATED 18.10.2025 PASSED ON IA NO.3 IN OS NO.209/2022 ON THE FILE OF I ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, DEVANAHALLI., DISMISSING THE IA NO.3 FILED UNDER ORDER VII RULE 11(a) AND (d) 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

Aggrieved by the order dated 18.10.2025 passed in I.A.No.3 in O.S.No.209/2022 by the I Additional Senior Civil Judge and JMFC, at Devanahalli, the petitioner/defendant No.1 is before this Court.

2. The respondent No.1 herein, who is the plaintiff, has filed O.S.No.209/2022 seeking declaration and recovery of possession. There are allegations of fraud against defendant Nos.4 and 5. The petitioner herein is defendant No.1, a subsequent purchaser. Defendant No.1 has filed I.A.No.III under Order VII Rule 11(a) and (d) of the CPC seeking rejection of the plaint. It is the case of the petitioner herein that the allegations of fraud are against defendant Nos.4 and 5, but not against defendant No.1. Hence, the plaint has to be rejected as

far as the petitioner is concerned. That was dismissed by the impugned order.

3. While dismissing the application, the trial Court observed that there were allegations of fraud. In such a case, the plaint cannot be rejected, and when the suit is barred by limitation, it is a triable issue and the point of limitation is a mixed question of fact and law. Accordingly, the application was dismissed.

4. Learned counsel appearing for the petitioner has reiterated the same grounds as stated before the trial Court and submitted that the plaint has to be rejected as there is no cause of action and there are no allegations of fraud against the petitioner, who is a subsequent purchaser. It is submitted that the impugned order needs to be set aside, and the plaint has to be rejected as far as the petitioner is concerned.

5. Having heard the learned counsel for the petitioner, perused the material on record. The petitioner is defendant No.1. The suit is filed seeking declaration and recovery of possession. The petitioner is the purchaser from the other

defendants. There are allegations of fraud against the other defendants. According to the petitioner herein, as there are no allegations against him, the plaint has to be rejected. If that is the case, it amounts to partial rejection of the plaint, which is not permissible. The trial Court has rightly considered all the aspects, including the limitation aspect, which is a mixed question of fact and law in this case. On the face of it, the plaintiff could make out a case, and none of the grounds under Order VII Rule 11 of the CPC are made out for rejection of plaint. In view of the above discussion, this Court finds no reason to interfere. Hence, this Court is passing the following order:

ORDER

i. Accordingly, the Civil Revision Petition is ***dismissed***.

ii. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

MEG
List No.: 1 Sl No.: 3