HC-KAR

NC: 2026:KHC:60927
CRP No. 725 of 2026

CNR: KAHC010552262026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 725 OF 2026

BETWEEN:

SRI M.J.HANUMAIAH
S/O. JAVARAYYA,
AGED ABOUT 53 YEARS,
R/AT MAYASANDRA VILLAGE,
TURUVEKERE TALUK-572 227

…PETITIONER

(BY SRI. SAMPATH A., ADVOCATE)

AND:

1. SMT LAKSHMIDEVAMMA
W/O. LATE BYRAPPA,
AGED ABOUT 49 YEARS,
R/AT BAJAGARU VILLAGE,
NONAVINAKERE HOBLI,
TURUVEKERE TALUK,
TUMAKURU DISTRICT-572 227

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Location: HIGH COURT OF KARNATAKA

2. KUMARI JEEVITHA B.
D/O. LATE BYRAPPA,
AGED ABOUT 17 YEARS

3. KUMARI AMULYA B.
D/O. LATE BYRAPPA,
AGED ABOUT 11 YEARS

(RESPONDENT NO.2 AND 3 ARE MINORS,
REPRESENTED BY THEIR
NATURAL GUARDIAN MOTHER,

RESPONDENT NO.1,
SMT. LAKSHMI DEVAMMA)

BOTH ARE R/AT BAJAGARU VILLAGE,
NONAVINAKERE HOBLI,
TURUVEKERE TALUK,
TUMAKURU DISTRICT-572 227

4. SRI RAGHURAAMA
S/O. LATE LENKAIAH,
AGED ABOUT 44 YEARS.

5. SRI. SIDDAPPA
S/O. LATE LENKAIAH,
AGED ABOUT 54 YEARS

RESPONDENTS NO.4 AND 5 ARE
R/AT BOMMENAHALLI VILLAGE,
MAYASANDRA HOBLI,
TURUVEKERE TALUK- 572 227

6. SRI MANJUNATH J
S/O. JAYANNA,
AGED ABOUT 40 YEARS,
R/AT KEREVALAGERAHALLI VILLAGE,
MAYASANDRA HOBLI,
TURUVEKERE TALUK- 572 227

7. SRI SHEKAR T.R.
S/O. RAMACHANDRA GOWDA,
R/AT MUTTURAYANAGARA,
TURUVEKERE TOWN-572 227

8. SRI YOGEESHA
S/O. LOKESHA,
AGED ABOUT 45 YEARS,
R/AT KALLANKERE VILLAGE,
KASABA HOBLI,
TURUVEKERE TALUK-572 227

…RESPONDENTS

(BY SRI.RAJU BHAT, ADVOCATE FOR C/R1 TO R3)

THIS CRP FILED U/S. 115 OF CPC PRAYING TO SET ASIDE THE ORDER DATED 25.07.2026 PASSED ON IA NO. IV, IN P. MISC NO. 1/2026 PASSED BY THE LEARNED SENIOR CIVIL JUDGE AND JMFC, TURUVEKERE.

THIS PETITION HAVING BEEN HEARD AND RESERVED ON 08.09.2026, COMING ON FOR PRONOUNCEMENT OF ORDER THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CAV ORDER

Aggrieved by the order dated 25.07.2026 passed in IA No.4 in P.Misc.No.1/2026 by the learned Senior Civil Judge and JMFC, Turuvekere, the petitioner/defendant No.1 is before this Court.

2. The respondents herein had filed the P.Misc.No.1/2026 seeking a declaration that the Registered Sale Deed dated 26.09.2025 and sale agreement dated 05.03.2025 are null and void and seeking cancellation of the said documents, sought for the relief of permanent injunction. The plaintiff sought relief to declare that they are indigent persons, permitting them to institute and prosecute the proposed suit against the respondents as *Forma Pauperis*. An application came to be filed by the defendant No.1 under Order VII Rule 10 r/w Section 6 of

CPC to return the petition and consequently, reject the same for lack of pecuniary jurisdiction. It is stated that the petition is hit by the doctrine of pecuniary jurisdiction as contemplated under Section 6 of CPC. As per the amendment to Section 17 of the Karnataka Civil Court (Amendment) Act, 2023, the Senior Civil Judge Court has jurisdiction for an amount of more than Rs.15,00,000/- and the High Court has clarified the enforcement of the Act in WP No.201536/2024 decided on 24.09.2025. On the face of the petition, it is clear that the sale consideration of the schedule property is Rs.12,00,000/-. Therefore, the Court has no jurisdiction to try the suit. The petitioners are aware of the pecuniary jurisdiction and deliberately filed the suit before the Senior Civil Judge Court. The plaintiff had filed the objection. By the impugned order, the trial Court dismissed the application as premature and made it clear that the order would not preclude the Court from examining the question of valuation and pecuniary jurisdiction at the appropriate stage, in accordance with law.

3. The trial Court, while dismissing the application, has observed that when the case is posted for cross-examination of

PW1, respondent No.1 has come up with the present application to return the petition on the ground that the Court has no pecuniary jurisdiction to entertain the petition. The value of the property is Rs.12,00,000/- as per the Sale Deed, and the court has pecuniary jurisdiction for an amount of more than Rs.15,00,000/-. On the other hand, the respondent herein objected the petition on the ground that the plaint is not yet registered, and the market value assessed under Section 50(1) of the Karnataka Court Fee and Suit Valuation Act is applicable for determination of jurisdiction. At this stage, the Court is only required to determine whether the petitioners are entitled to sue as indigent person. Until such permission is granted, the proposed plaint cannot be treated as a regular plaint. Consequently, the provisions of Order VII Rule 10 of CPC, which contemplate return of the plaint, do not apply at this preliminary stage. However, it is settled law that the question of territorial or pecuniary jurisdiction goes to the root of the matter. Therefore, granting permission to sue as an indigent person and register the suit, the Court is duty bound to satisfy itself that it has jurisdiction to entertain the proposed suit. The

contention of the petitioners regarding valuation under Section 50 of the Karnataka Court Fee and Suit Valuation Act and the contention of respondent No.1 regarding the pecuniary jurisdiction require consideration at the appropriate stage while examining the maintainability of the proposed suit. In the present application, respondent No.1 has sought for return of the plaint under Order VII Rule 10 of the CPC. Since there is no plaint registered as a suit, such an application is premature and not maintainable. Aggrieved thereby, the petitioner is before this Court.

4. Learned counsel appearing for the petitioner has argued on the merits of the matter that the Senior Civil Judge has no jurisdiction, as the pecuniary jurisdiction of the Senior Civil Judge is above Rs.15,00,000/- and the suit schedule property is valued at Rs.12,00,000/-. It is stated that the Court has no jurisdiction.

5. Learned counsel appearing for the respondent submits that the Civil Revision Petition is barred by the proviso to Section 115 of CPC. The order is purely interlocutory, and even if the petitioner's application is allowed, it would not finally

dispose of the proceedings; it would only result in the return of the plaint for presentation before another Competent Court. Hence, the essential requirement for invoking revisional jurisdiction is absent. The trial Court has not finally determined either the valuation or pecuniary jurisdiction. It has only held that the application was premature because no plaint had been registered as a suit and has not expressly resolved the issue for consideration at the appropriate stage. Therefore, no jurisdiction or material irregularity warrant interference under Section 115 of the CPC.

6. Learned counsel for the petitioner and respondents have relied on certain judgments.

7. The learned counsel for the respondent submits that Section 115 of CPC, as it presently stands, confines the revisional jurisdiction of the Court to cases where the Subordinate Court has exercised a jurisdiction not vested in it by law, or failed to exercise a jurisdiction so vested. The proviso further mandates that the High Court shall not in exercise of this power, vary or reverse any order made or any order deciding an issue in the course of a suit or other proceedings

except where the order, if it had been made in favour of the party applying the revision, would have finally disposed of the suit or other proceedings.

8. It is further submitted that the present civil revision petition is not maintainable. Even if IA No.4 had been allowed and the P.Miscellaneous Petition ordered to be returned, it would not have finally disposed of the proceedings. It would merely have required the same petition/plaint to be represented before the Court having Competent Jurisdiction. Hence, the present Civil Revision Petition is not maintainable.

9. The learned counsel for the petitioner has relied on the judgment passed by the Co-ordinate Bench of this Court in the case of ***Acharya Pathasala Educational Trust Vs. Mrs. Rasmi W/o Mr.Ramesh Khatawkar and another***[1]. He relied on paragraph Nos.6 and 7 which read as under:

> "***6. A perusal of the said provision would only indicate that, in the event of suit being presented before the Court which does not have the pecuniary or territorial jurisdiction over the mater, an application could be made under the said provision for return of the***

[1] WP.No.100173/2024 dated 22.01.2024

> ***plaint to be presented before the appropriate forum, or subject to the provision of Rule 10A of Order VII of the Code of Civil Procedure, when the Court comes to the conclusion on its own motion that it does not have jurisdiction to entertain a particular suit.***
>
> ***7. In the present case, the application is made by the defendnat for return of the plaint, which, I am of the considered opinion, cannot be so done by the defendant. The defendant is entitled to take a defence as regards lack of jurisdiction, which would have to be considered by the Court on merits in terms of the applicable law including Section 20 of the Code of Civil Procedure, either after the trial or as preliminary issue which can so permissible under Sub-Rule(2) of Order 14 of the Code of Civil Procedure."***

10. Having heard the learned counsel on either side, perused the material on record. Though both counsel have made submissions on the merits of the matter, counsel for the respondents raised an objection to the maintainability of this CRP before this Court. Accordingly, this Court shall first deal with the maintainability of the petition. In the light of the submissions on either side, the question that arises for consideration before this Court is:

> ***"Whether an order dismissing an application under Order VII Rule 10 CPC as premature without finally deciding the question of jurisdiction, is amenable to revisional jurisdiction under Section 115 CPC?"***

11. Section 115 of CPC confers a limited revisional jurisdiction upon the High Court. The existence of an error relating to the exercise of jurisdiction itself is not sufficient to attract the provision. The proviso to Section 115 (1) of CPC places a further restriction upon the power of interference. It provides that the High Court shall not vary or reverse an order passed during the course of a suit or other proceedings and the order, if made in favour of the parties seeking revision, would have finally disposed of the suit or proceedings. The Hon'ble Supreme Court clarified the scope of the amended provision in the case of ***Shiv Shakti Coop. Housing Society Vs. M/S. Swaraj Developers & Ors***[2]. The Supreme Court examined whether an order in favour of the revision petitioner would have brought finality to the suit or proceedings. Whether the proceedings would continue notwithstanding such an order, the restriction imposed by the proviso would operate. The revisional jurisdiction therefore cannot be invoked against the interlocutory order merely on the ground that the subordinate court committed an error of jurisdiction. More importantly, an

[2] (2003) 6 SCC 659

identical question arose before the Co-ordinate Bench of this Court in the case of ***Sri. Y. Nagi Reddy Vs. Y. Narayan Reddy***[3]***.*** In that case, the petitioner challenged the rejection of an application under Order VII Rule 10 CPC, seeking return of the plaint on the ground of pecuniary jurisdiction. The Court considered the effect of the proviso to Section 115 of CPC and held that an order directing return of the plaint is distinguishable from an order rejecting the plaint. Return of the plaint enables presentation before the competent court and does not finally determine the substantive dispute between the parties. Consequently, the revision petition is dismissed as not maintainable. The distinction between return and rejection of a plaint is material. The rejection of a plaint under Order VII Rule 11 of CPC results in termination of the suit and constitutes a decree within the meaning of Section 2(2) of CPC. Return of a plaint under Order VII Rule 10 of CPC, on the other hand, allows the plaintiff to present the plaint before the appropriate court. Although an order directing the return of a plaint is appealable under Order 43 Rule 1(a) of CPC, the dismissal of an

[3] CRP.No.100036/2026 decided on 10.03.2026

application seeking such return does not provide an appeal provision. However, the absence of an appeal does not automatically make the order revisable under Section 115 of the CPC. In the present case, the petitioner seeks return of the plaint for representation before another court. The relief sought is not rejection of the plaint or termination of the respondent's substantive claim. Further, the learned Senior Civil Judge has not conclusively determined the question of pecuniary jurisdiction. The impugned order expressly leaves that question open for consideration. The contention that allowing the application would bring the proceedings before the Senior Civil Judge to an end, in the light of the decision of the Court, referred *supra* cannot be regarded as sufficient to satisfy the requirements of Section 115 of CPC. The return of a plaint for presentation before another court is not equivalent to final adjudication of the substantive dispute. The fact that the application has been dismissed as premature does not alter the nature or effect of the relief sought by the petitioner. Once this Court finds that the revision petition is not maintainable, it would be inappropriate to examine the correctness of the

reasons assigned by the learned Senior Civil Judge. The question is whether the application under Order VII Rule 10 of CPC could have been considered before determination of the indigenous case. Whether the proceedings fall within the pecuniary jurisdiction of the Senior Civil Judge, and whether the circular dated 01.09.2006 applies to the questions on the merits of the matter, they have to be adjudicated in the appropriate proceedings before the appropriate Court. This Court is, therefore, of the considered view that the preliminary objection raised by the respondent is valid and that the Civil Revision Petition is not maintainable under Section 115 of the Code of Civil Procedure, 1908. In that view of the matter, this Court is passing the following:

ORDER

i. Accordingly, the Civil Revision Petition is ***dismissed as not maintainable*** under Section 115 of CPC.

ii. The petitioner is at liberty to avail the appropriate remedy within a period of 3 weeks from the date of receipt of the copy of the order.

iii. It is made clear that this Court has not expressed anything on the merits of the matter. The observations are only limited to the maintainability of the petition.

iv. Pending IAs., if any, shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

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List No.: 1 Sl No.: 6
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