NC: 2025:KHC:20423
RFA No. 1328 of 2025

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM

REGULAR FIRST APPEAL NO. 1328 OF 2025 (DEC/INJ)

BETWEEN:

K. HARIKRISHNA
S/O. P. KUPPUSWAMY
SINCE DEAD REPRESENTED BY HIS LRS.

1. SRI. H. KUBERA
   S/O. LATE K. HARIKRISHNA
   AGED ABOUT 75 YEARS

2. SRI. H. AMUDA
   S/O. LATE K. HARIKRISHNA
   W/O. SHANTHAKUMAR
   AGED ABOUT 72 YEARS

3. SRI. H. SATISH
   S/O. LATE K. HARIKRISHNA
   AGED ABOUT 69 YEARS

4. SRI. H. PRAKASH
   S/O. LATE K. HARIKRISHNA
   AGED ABOUT 55 YEARS

5. SRI. H. VINODKUMAR
   S/O. LATE K. HARIKRISHNA
   AGED ABOUT 61 YEARS

   ALL ARE RESIDING AT NO. 7
   ANEPALYA MAIN ROAD
   ADUGODI POST, BENGALURU. …APPELLANTS

(BY SRI. S. KALYAN BASAVARAJ, ADVOCATE)

AND:

1. SMT. KANAKAMMA
   W/O. LATE RAMAIAH
   AGED ABOUT 83 YEARS

2. SMT. MANJULA
   D/O. LATE RAMAIAH
   AGED ABOUT 65 YEARS

3. SMT. RENUKA
   D/O. LATE RAMAIAH
   AGED ABOUT 55 YEARS

4. SMT. SUSHEELA
   D/O. LATE RAMAIAH
   AGED ABOUT 62 YEARS

5. SRI. SRINIVAS
   S/O. LATE RAMAIAH
   AGED ABOUT 55 YEARS

6. SRI. VENKATESHWAR
   S/O. LATE RAMAIAH
   AGED ABOUT 60 YEARS

7. SRI. SRIHARI
   S/O. LATE RAMAIAH
   AGED ABOUT 52 YEARS

   ALL ARE RESIDING AT
   TIGALACHOWDANAHALLI
   SARJAPURA HOBLI, ANEKAL TALUK
   BENGALURU SOUTH.

8. SRI. D. S. VEERANJINAYA
   S/O. SHANKARAPPA ALIAS PAPANNA
   AGED ABOUT 65 YEARS
   RESIDENT OF DOMSANDRA
   SARJAPURA HOBLI, ANEKAL TALUK
   BENGALURU.

9. D. V. MANJUNATH
S/O. LATE VENKATASWAMY
AGED ABOUT 51 YEARS
RESIDENT OF DOMMASANDRA
SARJAPURA HOBLI, ANEKAL TALUK
BENGALURU.

…RESPONDENTS

(BY SRI. R.C. NAGARAJ, ADVOCATE FOR C/R-9)

THIS RFA IS FILED UNDER SECTION 96 R/W ORDER LXI RULES 1 AND 2 OF CPC, AGAINST THE ORDER DATED 05.04.2025 PASSED ON I.A.NO.XII IN OS.NO.440/2010 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, ANEKAL, ALLOWING THE I.A.XII FILED UNDER ORDER VII RULE 11(a) AND (d) OF CPC, FOR REJECTION OF PLAINT.

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

CORAM: HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM

ORAL JUDGMENT

The office has raised objection regarding maintainability of the appeal.

2. The suit filed before the II Additional Senior Civil Judge and JMFC, Anekal was not entertained by the learned Judge and the application filed by defendant No.9 under Order VII Rule 11(a) was allowed and the plaint was rejected.

3. The valuation slip furnished by the plaintiffs indicates that the plaint was valued at Rs.1,000/- and the prayer No.2 and 3 valued Rs.1,000/- each. Therefore, the appeal would lie before the District Judge and not before this Court.

Accepting the office objection raised on the maintainability of the appeal, the appeal is dismissed as not maintainable.

Liberty is reserved to the appellant to approach the Competent Appellate Court to avail remedy under Section 96 of Civil Procedure Code.

In the event the appeal is filed within a period of two weeks, the time spent before this Court shall be excluded by extending the benefit under Section 14 of the Limitation Act.

Registry is directed to return all the certified copies forthwith after securing photocopies of the same.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

NBM
List No.: 1 Sl No.: 43