

(2023) 07 KAR CK 0006

In the Karnataka High Court

Case No : Writ Petition No. 12136 Of 2023 (GM-CPC)

N S Shakunthamma & Others

APPELLANT

Vs

Shambaiah @ Saddam & Others

RESPONDENT

Date of Decision : 11-07-2023

Acts Referred:

Code Of Civil Procedure Code, 1908 — Order 7 Rule 11

Citation : (2023) 07 KAR CK 0006

Hon'ble Judges : S.R. Krishna Kumar, J

Bench : Single Bench

Advocate : Aravind Reddy H

Final Decision : Disposed Of

Judgement

S.R. Krishna Kumar, J

1. In this petition, the petitioners seek a direction to the II Additional Senior Civil Judge, Anekal (for short "the Trial Court") to consider and dispose of I.A.No.3 filed by the petitioners in O.S.No.1063/2018, under Order VII Rule 11 CPC seeking rejection of plaint.

2. For the order proposed, notice to the respondents is dispensed with.

3. Heard learned counsel for the petitioners and perused the material on record.

4. The material on record discloses that the respondent Nos.1 and 2-plaintiffs have instituted a suit in O.S.No.1063/2018 against the petitioners-defendant Nos.1 and 2 and respondent Nos.3 to 12-defendant Nos.3 to 12 for declaration and permanent injunction and for other reliefs. In the said suit, which is being contested by the petitioners-defendant Nos.1 and 2, the petitioners have not only filed their written statement, but have also filed I.A.No.3 under Order VII Rule 11 CPC on 13.02.2019 seeking rejection of plaint.

5. It is the grievance of the petitioners that though the said application was filed by the petitioners more than four years back, the Trial Court has not considered

or passed appropriate orders on the said application and as such, the petitioners are before this Court by way of the present petition.

6. In view of the aforesaid facts and circumstances of the case and specific contention of the petitioners that I.A.No.3 filed by them has not been considered by the Trial Court so far, without expressing any opinion on the merits/de-merits of the rival contentions, I deem it just and appropriate to dispose of the petition directing the Trial Court to consider and pass appropriate orders on I.A.No.3 within a period of two months from 14.07.2023, on which date, the suit is posted before the trial Court. All rival contentions on all aspects of the matter are kept open and no opinion is expressed on the same.

7. With the aforesaid observations and directions, the petition stands disposed of.