2025 INSC 1363

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5015/2025

C.M. MEENAKSHI **APPELLANT**

VERSUS

ARCHBISHOP OF BANGALORE & OTHERS **RESPONDENTS**

J U D G M E N T

NAGARATHNA, J.

We have heard learned senior counsel Sri Anand Grover for the appellant and learned senior counsel and learned counsel for the respondents-plaintiffs as well as the respondent– defendant in O.S. No.26246 of 2023.

2. The aforesaid original suit was filed by the respondents-plaintiffs seeking the following reliefs in respect of the said property also:

"WHEREFORE, it is humbly prayed that this Hon'ble Court may be pleased to pass a judgment and decree in favour of the Plaintiffs:

a. To declare that the Plaintiffs are the absolute owners of the Suit Schedule Property and to direct the Defendants to handover the possession of the Suit Schedule Property to the Plaintiffs.

b. To declare that judgment and decree passed in O.S. No.26051/2014 passed by XXVII Addl. City Civil Judge, Mayohall (CCH-29), at Bangalore in respect of the Suit Schedule Property is not binding on the Plaintiffs.

c. to declare that (1). Sale deed dated 15/03/2014, registered as Document No.BMH-1-10627/2013-2014, stored in CD No.BMHD668, in the office of the Sub-registrar, Bommanahalli in favour of the Defendant No.1 and (2). Sale deed dated 13/11/2020, registered as Document No.BTM-1-02857/2020-21, stored in CD No.BTMD592, in the office of the Sub-registrar BTM Layout in favour of the Defendant No.10 & 11 in respect of the Suit Schedule Property are null and void and not binding on the Plaintiffs and directing the concerned Sub-registrar to cancel/delete the entry of the said deed in its records.

d. To grant permanent injunction restraining the Defendants or their servants, legal representatives, administrators, assigns, power of attorney holders or anybody claiming under or through them from putting up any structure and demolishing existing building in the Suit Schedule Property.

e. To grant permanent injunction restraining the Defendants or their servants, legal representatives, administrators, assigns, power of attorney holders or anybody claiming under or through them from putting up any structure and demolishing existing building in the Suit Schedule Property and alienating or encumbering and change the nature of the Suit Schedule Property in whatsoever manner.

f. cost of the suit and grant such other reliefs as deems fit under the circumstances of the case, in the interest of justice and equity.

SCHEDULE PROPERTY

All that piece and parcel of the land bearing Sy. No.152/5, measuring 1 Acre 04 Guntas and 13 Guntas Kharab, situated at Bilekahalli Village, Begur Hobli, Bangalore South Taluk, Bangalore along with school building consisting of 3 floors and bounded on:

East by : Land bearing Sy. No.152/6 and Road;
West by : Land bearing Sy.No.152/3 and 152/16;
North by : Land bearing Sy. No.152/15;
South by : Land bearing Sy. No.152/4."

3. During the pendency of the said suit an application under Order VII Rule 11 (a) and (d) read with Section 151 of the Code of Civil Procedure, 1908 (for short "CPC") was filed by defendant Nos.1 to 8 in the said suit. By order dated 15.03.2024, the said application (I.A.No.3) was allowed by 73rd Additional City Civil and Sessions Judge, Mayo Hall Unit (CCH-74), Bengaluru. Consequently, the plaint was rejected.

4. Being aggrieved, the plaintiffs preferred Regular First Appeal No. 683 of 2024 before the High Court of Karnataka at Bengaluru. By impugned judgment dated 27.06.2024, the Single Judge has allowed the Regular First Appeal No. 683 of 2024 and consequently, set aside the order passed by the Trial Court dated

15.03.2024 in I.A. No.3 filed in O.S. No.26246 of 2023, seeking rejection of the plaint. As a result, the suit has been restored on the file of the Trial Court. Hence, this appeal.

5. Learned senior counsel appearing for the appellant at the first instance submitted that the plaint which is produced as Annexure P-12 does not disclose any cause of action. Secondly, it was submitted that the plaint is barred in law inasmuch as the reliefs sought in the plaint are hit by the law of limitation. Thirdly, it was submitted that the respondents – plaintiffs had earlier filed four suits which were either dismissed or withdrawn and therefore the present suit being O.S. No.26246 of 2023 was not maintainable owing to the application of the principle of *res judicata*.

6. It was further submitted that the reliefs sought by the respondents-plaintiffs herein could have been sought in the earlier plaints that were filed. Hence, the suit is also barred by the application of Order II Rule 2 of the CPC.

7. In the above circumstances, it was contended by learned senior counsel that the High Court was not right in setting aside the order dated 15.03.2024 passed in I.A. No.3 in the suit,

thereby allowing the regular first appeal and dismissing the application filed for rejection of the plaint.

8. We have considered each of the submissions made by learned senior counsel.

9. *Per contra*, learned senior counsel for the respondents-plaintiffs contended that there is no merit in this appeal. Assuming but not conceding that any of the aforesaid contentions arise in the instant suit, they are all matter of trial. Therefore, the application could not have been allowed by the Trial Court at the threshold thereby resulting in dismissal of the suit. Learned senior counsel submitted that the High Court has rightly analyzed the reliefs sought for by the respondents-plaintiffs and the approach that has to be made in the case of consideration of an application for rejection of the plaint and has reasoned that this was not a case where the plaint could have been rejected. Consequently, the plaint has been restored on the file of the Trial Court by rejecting the application filed by the defendants seeking rejection of the plaint. It was contended that there is no merit in this appeal.

10. Learned senior counsel appearing for the respondent No.11/defendant No.11 submitted that he supports the arguments of the learned senior counsel for the appellant insofar as the consideration of the application under Order VII Rule 11 (a) and (d) only is concerned.

11. Learned counsel for defendant Nos.2 to 8 also submitted that he supports the contentions of the learned senior counsel for the appellant.

12. Learned senior counsel appearing for the respondent No.11/defendant No.11 submitted that the Trial Court should not construe the observations of the High Court as meaning that the Trial Court should proceed with the case on merits, thereby implying that the issues concerning limitation, *res judicata* and those arising under Order II Rule 2 of the CPC ought not to be considered at all.

13. We do not think that this is an implication of the judgment of the High Court, nor can such a construction be given to its observations. All that the High Court meant was that the suit is restored on the file of the Trial Court and that it has to be decided

in accordance with law, which would include all the above issues apart from the issues on the merits of the case.

14. In this regard, we place reliance on the judgments of this Court in ***Srihari Hanumandas Totala vs. Hemant Vithal Kamat, (2021) 9 SCC 99*** and ***Shakti Bhog Food Industries Ltd. vs. Central Bank of India, (2020) 17 SCC 260.***

15. Hence, the appeal is dismissed.

16. It is needless to observe that with the cooperation of both sides, the Trial Court shall endeavour to expedite the disposal of the suit.

Parties to bear their respective costs.

Pending application(s), if any, shall stand disposed of.

.....J.
(B.V. NAGARATHNA)

.....J.
(R. MAHADEVAN)

NEW DELHI;
NOVEMBER 20, 2025.

ITEM NO.123 COURT NO.5 SECTION XII-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(S). 5015/2025

C.M. MEENAKSHI Appellant(s)

VERSUS

ARCHBISHOP OF BANGALORE & ORS. Respondent(s)

**(IA No. 89415/2025 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 296548/2024 - EX-PARTE STAY
IA No. 195634/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 77442/2025 - EXEMPTION FROM FILING O.T.
IA No. 195635/2024 - EXEMPTION FROM FILING O.T.
IA No. 102527/2025 - FILING ADDL. GROUND OF APPEAL
IA No. 191547/2025 - MODIFICATION OF COURT ORDER
IA No. 77441/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 202694/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 201273/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)**

Date : 20-11-2025 This matter was called on for hearing today.

CORAM :
HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Appellant(s) Mr. Anand Grover, Sr. Adv.
Mr. Abhishek Manchanda, AOR
Mr. Keshav M. Datar, Adv.

For Respondent(s) Mr. K. Parameshwar, Sr. Adv.
Mr. Sanbha Rumnong, Adv.
Ms. Lija Merin John, Adv.
Mr. M.f.philip, Adv.
Ms. Purnima Krishna, AOR

Mr. Chandrashekhar A. Chakalabbi, Adv.
Mr. S.k Pandey, Adv.
Mr. Awanish Kumar, Adv.
Mr. Anshul Rai, Adv.
M/s Dharmaprabhas Law Associates, AOR

Mr. A N Venugopala Gowda, Sr. Adv.
Mrs. T S Shanthi, Adv.

Mr. Narendra Kumar, Adv.
Ms. Sneha Irine Kachhap, Adv.
Mr. Amith J, Adv.
Mr. P. Srinivasan, AOR

UPON hearing the counsel the Court made the following

O R D E R

The appeal is dismissed in terms of the non-reportable judgment.

Pending application(s), if any, shall stand disposed of.

(RADHA SHARMA) **(DIVYA BABBAR)**
ASTT. REGISTRAR-cum-PS **COURT MASTER (NSH)**

(Signed Non-Reportable Judgment is placed on the file)