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PLAINT AND ITS REJECTION

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The mounting pendency of civil cases in India has long been a subject of concern for litigants, lawyers, and the judiciary alike. As per the information provided by the National Judicial Data Grid, nearly 7,10,076 civil cases are pending before the High Court of Madras and its subordinate courts, with approximately 3,79,708 cases pending for more than one year¹. While the shortage of judges and courts is often cited as the chief cause of delay, an equally crucial but less acknowledged factor is the poor drafting of pleadings. In many instances, defective pleadings either lead to dismissal of suits at the very threshold or result in prolonged litigation due to repeated amendments in the plaint, thereby frustrating the plaintiff's intent of securing timely relief. Against this backdrop, my discussion seeks to examine the issue from both side of the coin i.e. from the plaintiff's side and the defendant's side through the contemporary judicial pronouncements. At first, from the plaintiff's perspective, highlighting how precise and well-drafted pleadings can ensure smooth progress of a case towards trial and second, from the defendant's perspective, exploring how frivolous or vexatious suits may be effectively challenged and dismissed under Order VII Rule 11 of the Code of Civil Procedure, 1908 (CPC). Ultimately, this dual lens underscores the importance of sound pleadings as a vital tool to reduce delays and facilitate faster disposal of civil cases.

The art of pleading:

A pleading in civil litigation consists of either a plaint or a written statement contained in Order VII and Order VIII of the Code of Civil Procedure (CPC) respectively. Pleadings are often regarded as the foundation of every trial, as they form the basis on which a litigant's claim is substantiated. Every suit starts from the process of filing the plaint before the proper forum. The plaint is nothing but a statement, in writing, of a course of action in which the relief claimed is set out in detail.² Order VI of the Code of Civil Procedure (CPC) lays down the framework governing pleadings, emphasizing that every pleading must contain the material facts. These material facts are the essential facts that are necessary to establish and support the litigant's

¹ [National Judicial Data grid, District Courts of India](#)

² P Ramanatha Aiyar's The Law Lexicon, 4th Edition

rights in a civil suit.

The plaint contains the fact of the case more particularly the material facts of the case. According to the Black's Law Dictionary, the material fact is one which is essential to the case, defense, application, etc., and without which the pleading could not be supported.³ The foremost requirement for a litigant is to establish before the court that he possesses the right to sue the defendant at the time of instituting the suit. A bundle of essential facts gives rise to the cause of action in a suit, which follows as a consequence of the right to sue. For instance, In *Venkateswara Aiyar and Ors. v. A.P. Ri. Executor, A.R.A.R.*⁴, Justice Phillips clearly observed that in suit where the creditor seeks for the cancellation of the sale deed, the cause of action does not accrue on the date of alienation itself, but only from the point at which the creditor, seeking to set aside the alienation becomes aware that he has been defrauded, defeated, or delayed. Section 53 of the Transfer of Property Act does not, in express terms, confer a right to sue; rather, it provides the creditor with an option to avoid particular transactions, and it is through the exercise of this option that the right to sue arises.

Grounds for seeking the rejection of plaint:

As per Order VII Rule 11 of the CPC, the grounds to invoke for rejecting a plaint is on 6 grounds.

They are

- a) where it does not disclose a cause of action;
- b) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;
- c) where the relief claimed is properly valued, but the plaint is returned upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;
- d) where the suit appears from the statement in the plaint to be barred by any law
- e) where it is not filed in duplicate
- f) where the plaintiff fails to comply with the provisions of rule 9 in Order VII of the CPC

³ Black's law Dictionary, Revised fourth Edition, ST. PAUL, MINN. West Publishing Co.1968

⁴ AIR 1918 MADRAS 76

Rejection of plaint on the ground of want of cause of action:

The prominent thing that the court while considering whether the cause of action existing in it or not is to see the averments in the plaint itself and nothing should be seen out. The ability to persuade the Court to reject a plaint at the initial stage largely depends on demonstrating that no cause of action has arisen. It is therefore necessary to explain what “cause of action” truly means. Although the expression has no precise statutory definition, it is rooted in the maxim *causa sine qua non*, meaning “a cause without which the matter cannot exist.” To understand the phrase accurately, one must refer to authoritative sources. According to Ramanatha Aiyar’s Law Lexicon, “cause of action” refers to the fact or combination of facts that give rise to a right to sue.

A litigant seeking rejection of the plaint must base such a plea solely on the statements contained in the plaint filed by the plaintiff, without relying on any external evidence or documents in his possession. Let us consider an illustrative case relevant to this principle. In this case, the plaintiff–husband instituted a suit seeking partition of the property belonging to his deceased wife. The defendants were the legal heirs of the deceased wife’s father. It was admitted in the plaint that the suit property had originally been inherited by the deceased wife from her father. It was further admitted that the plaintiffs 2 to 5 were the children born through the husband’s second marriage and not through the deceased wife. The deceased wife had died intestate and without any issue. The Hon’ble Bombay High Court, relying upon the admissions contained in the plaint itself, held that in view of Section 15(2)(a) of the Hindu Succession Act, 1956, the property inherited by a Hindu female from her father or mother, in the absence of any children, devolves upon the heirs of her father and not upon her husband. When the husband does not have any right to sue, there will be no cause of action shall be arisen in the suit. Consequently, the Court, finding a clear statutory bar under Section 15(2)(a) of the Hindu Succession Act, 1956 and based solely on the averments in the plaint, rejected the plaint as not disclosing a cause of action in favor of the plaintiff.⁵

One of the most significant aspects to be noted is that a suit can be rejected under law only when, even assuming all the averments in the plaint to be true, the plaintiff would still not be entitled to any relief.

⁵ Tarabai Dagdu Nitanware and Ors vs Shri. Narayan Keru Nitanware, AIR 2018 (NOC) 708 (BOM.): 2018 (2) ABR 98: (2018) 187 ALLINDCAS 283 (BOM)

Whether the partial rejection of the plaint is permissible?

The court in numerous occasions held that the plaint has to be rejected wholly and cannot be rejected partially. The Court is not expected to dissect the pleadings into fragments or to scrutinize each averment in isolation to decide whether every individual statement discloses a cause of action. The Hon'ble Supreme Court in the case of *D. Ramachandran v. R.V. Janakiraman & Ors*⁶, while dealing with a case related to election petition, has rejected the contention that some of the allegations are bereft of material facts where the cause of action does not arise. The Supreme Court cautioned that the court should not see whether each one of the material facts in the entire plaint discloses the cause of action or not.

March of Law in Partial Rejection of Plaint:

However, with the progressive evolution of jurisprudence, the courts have gradually adopted a more refined understanding of Order VII Rule 11 CPC, permitting partial rejection of claims in appropriate circumstances. A notable instance can be found in *Vinod Infra Developers v. Mahaveer Lunia & Ors*⁷, wherein the Hon'ble Supreme Court, relying upon its earlier judgment in *Central Bank of India v. Prabha Jain*⁸, articulated a significant shift in perspective. The Court observed that when a plaint encompasses multiple reliefs, it ought not to be rejected in its entirety merely because one of the reliefs falls within the ambit of rejection under Order VII Rule 11. To illustrate, if a plaint seeks two reliefs namely Relief A and Relief B and while Relief A is barred by law, Relief B remains maintainable, it would be both unjust and illogical to reject the plaint as a whole. Doing so would, in effect, amount to penalizing the maintainable Relief B merely because it happens to coexist with Relief A within the same plaint. Such an approach, the Court cautioned, would not only contravene the principles of fairness but also stifle the very essence of justice that procedural law is intended to serve.

Limitation as a ground for rejection of plaint:

A plaint may indeed be rejected on the ground of limitation, but such rejection must strictly conform to the essentials of Order VII Rule 11(d) of the Code of Civil Procedure, 1908 (CPC), that is, only where the bar is apparent on the face of the plaint itself. The litmus test applies on whether the plea of limitation involves a pure question of law or a mixed question of law and fact. In framing issues in a civil suit, the court must consider two dimensions which are the

⁶ (1999) 3 SCC 267

⁷ 2025 LiveLaw (SC) 630

⁸ 2025 LiveLaw (SC) 96

question of fact and the question of law. Where the plaint, on its very averments, reveals a clear statutory bar, the court may invoke Order VII Rule 11(d) to reject it at the threshold. However, when the issue of limitation is not self-evident and calls for an inquiry into disputed facts, such as the plaintiff's knowledge of the impugned act or transaction, the court cannot summarily reject the plaint at the preliminary stage. This distinction becomes critical when the plea of limitation is a mixed question of law and fact. For instance, consider a suit seeking a declaration that a sale deed is null and void, where the defendant contends that the suit is barred by limitation under Article 59 of the Limitation Act, 1963. The plaintiff, however, asserts that the knowledge of the impugned sale deed arose only at a later stage, supported by specific evidentiary circumstances. In such a scenario, the determination of limitation would necessitate a factual inquiry—particularly into the date of knowledge which cannot be pre-judged at the threshold without affording a trial.

The Supreme Court's ruling in *Daliben Valjibhai v. Prajapati Kotarabhai Kachrabhai*⁹ serves as an authoritative exposition on this point. In that case, the Court dealt with a challenge to a registered sale deed executed in 2004 but questioned in 2017, after a lapse of 13 years. The Court observed that the mere date of registration cannot, by itself, be taken as the date of knowledge for computing limitation. Instead, the date of actual or constructive knowledge is a matter to be established through evidence during trial.

From a research perspective, this line of reasoning underscores a deeper judicial recognition that the procedural justice cannot override substantive fairness. The courts have consistently cautioned against those claims at the preliminary stage where factual intricacies are intertwined with legal principles. Thus, in cases involving limitation, unless the bar is manifest and unambiguous from the plaint itself, the matter must proceed to trial to allow a full factual and evidentiary exploration.

March of law in rejecting the plaint in limitation aspects:

Since Law is a living organism which evolves constantly, the interpretation of law in each and every case gives a new remedy and principles. Take for an instance, in an interesting case¹⁰, the plaintiff sought a declaration that his father's Will (04.02.2014) and Codicil (20.09.2014) were null and void, alleging fraud. The plaintiff acquired knowledge of the Will/Codicil in the

⁹ 2024 LiveLaw (SC) 1056

¹⁰ Nikhila Divyang Mehta & Ors v. Hitesh P. Sanghvi, 2025 (2) CTC 857

first week of November 2014 (as per plaint) i.e on the death of his father on 21.10.2024 and a suit seeking a declaration of the Will/Codicil as null and void were filed on 21.11.2017 i.e., after 3 years and 20 days of first knowledge. The court while averring the plaint itself has rejected the plaint on the ground of limitation where the suit was barred by limitation where the case was instituted after 3 years where right to sue expires as per Article 58 of the Limitation Act, 1963. This was ex facie established on the plaint itself. Here, the Supreme Court has distinguished the phrase of ‘knowledge’ and ‘full knowledge’ about the cause of action and the limitation starts to run from the date of knowledge of the first cause of action, and not when the plaintiff becomes fully aware of the cause of action.

The above instance reflects that the plea taken by the respondent, opposing the rejection of the plaint on the ground that the question of limitation constitutes a mixed question of fact and law, is unsustainable when the bar of limitation is ex facie apparent from the plaint itself. In such circumstances, where the suit is clearly barred by limitation on the face of the pleadings, the court is competent to determine the issue without the necessity of adducing any further evidence by either party.

Res Judicata and the Misconception of its Application under Order VII

Rule 11 of the CPC:

A common misconception which persists among many civil litigants and at times even among practitioners is that the plea of res judicata constitutes a valid ground for rejection of a plaint. This misunderstanding often arises from a superficial reading of Order VII Rule 11(d) of the Code of Civil Procedure, 1908, which empowers the court to reject a plaint “where the suit appears from the statement in the plaint to be barred by any law for the time being in force.”

At first glance, one might assume that since the doctrine of res judicata operates as a statutory bar under Section 11 of the CPC, it naturally falls within the scope of this clause. However, such a conclusion oversimplifies a complex procedural distinction. To discern why, it becomes necessary to briefly revisit the purpose and application of this doctrine not in exhaustive detail, but in principle. The doctrine of res judicata rests on the maxim “*Nemo debet bis vexari pro una et eadem causa*”, meaning no person should be vexed twice for the same cause. Its underlying objective is to ensure finality in litigation, prevent multiplicity of proceedings, and safeguard individuals from double jeopardy, a concept echoed in Article 20(2) of the Constitution of

India. Section 11 of the CPC enshrines this doctrine by prohibiting the institution of a subsequent suit on matters directly and substantially in issue in a former suit between the same parties or their privies, where such matter has been adjudicated by a competent court.

At this juncture, a pertinent question arises: If the law expressly prohibits re-litigation of matters already decided, why should a plaint not be rejected at the threshold when it appears barred by res judicata?

The answer lies in the procedural framework governing the rejection of a plaint. The scope of Order VII Rule 11(d) is confined strictly to what is apparent on the face of the plaint. The court, at this stage, cannot travel beyond the plaint to examine the pleadings, issues, or judgments from prior proceedings. In contrast, a plea of res judicata can only be determined upon a comparative analysis of the pleadings, issues framed, and the final judgment in the earlier suit vis-à-vis the present one. Such an exercise necessarily involves production of extrinsic evidence, which places the plea of res judicata outside the ambit of a mere “statement in the plaint.” Hence, the plea of res judicata, though substantive in nature, cannot form a ground for rejection of the plaint under Order VII Rule 11(d). It does not extinguish the plaintiff’s right to institute the suit on the face of the plaint alone; rather, it constitutes a defence that must be adjudicated after the court frames the relevant issue.

This procedural limitation raises an important question for both litigants and practitioners: What is the appropriate remedy when a suit is ex facie barred by the principle of res judicata, yet cannot be dismissed under Order VII Rule 11(d)? The answer lies in Order XIV Rule 2 of the CPC, which empowers the court to frame and decide a preliminary issue of law where such issue pertains to either (a) the jurisdiction of the court, or (b) a bar to the suit created by any law for the time being in force. When the plea of res judicata is raised in the written statement, the court may, upon satisfaction that it constitutes a legal bar to the maintainability of the suit, frame it as a preliminary issue and decide it prior to examining the merits of the case. This position was affirmed by the Hon’ble Supreme Court in *Srihari Hanumandas Totala v. Hemant Vithal Kamat & Ors*,¹¹ wherein the Court held that when a plea of res judicata arises, the appropriate course is to frame it as an issue of maintainability under Order XIV Rule 2 and decide it as a preliminary issue. The Court further directed that such determination should be

¹¹ (2021) 9 SCC 99

expeditious, within a prescribed timeframe, to prevent vexatious or repetitive litigation.

Thus, the jurisprudential takeaway is clear: while res judicata is indeed a bar created by law, its procedural invocation cannot occur at the threshold stage under Order VII Rule 11. Rather, it must be tested through the lens of Order XIV Rule 2, where the court, upon framing the issue, determines its applicability based on the records of the previous adjudication. The nuanced distinction between substantive finality and procedural fairness underscores that even the strongest legal bars must pass through the gateway of due process by ensuring that justice is not only done but seen to be done.

Rejection of plaint on the ground of statutory exclusion of Civil Court

Jurisdiction:

A perennial question arises as to whether a civil court can entertain a case on a subject matter when it is barred by particular statute.

It is a settled principle of law that the jurisdiction of civil courts may be expressly or impliedly barred by statute. Where a special enactment creates a dedicated adjudicatory mechanism and confers exclusive jurisdiction upon a tribunal, the jurisdiction of civil courts stands excluded in respect of matters that fall within the competence of such statutory authorities. This principle finds legislative recognition in Section 9 of the Code of Civil Procedure, 1908, which itself is subject to express or implied statutory bars.

In this context, Section 79 of the Real Estate (Regulation and Development) Act, 2016 (“RERA Act”) expressly bars the jurisdiction of civil courts to entertain any suit or proceeding in respect of matters which the Adjudicating Officer or the Appellate Tribunal is empowered to determine under the Act. The provision further contains an explicit prohibition against the grant of injunctions by any court or authority in respect of actions taken or proposed to be taken in pursuance of powers conferred under the Act.

Facts of the case and its jurisdictional objection:

A promoter instituted a civil suit seeking the relief of permanent injunction restraining the defendants from alienating the suit property and from interfering with the plaintiff’s possession and peaceful enjoyment thereof. The defendants sought rejection of the plaint under Order VII

Rule 11(d) of the Code of Civil Procedure on the ground that the suit was expressly barred by Section 79 of the RERA Act, contending that the dispute fell squarely within the exclusive jurisdiction of the authorities constituted under the Act.

Judicial interpretation of the ouster clause by the Madras High Court:

The Madras High Court, in *Metrozone Apartment Owners Association v. M/s. Ozone Projects Private Limited*¹², adopted a purposive approach while examining the scope of Section 79. The Court undertook a careful analysis of the nature of the relief sought and the powers conferred upon the RERA authorities under the Act.

Placing reliance on the judgment of the Hon'ble Supreme Court in *M/s. Newtech Promoters and Developers v. State of Uttar Pradesh*¹³, the High Court reiterated the principle that where the plain and literal interpretation of a statutory provision fails to achieve the object of the legislation, courts are duty-bound to adopt a purposive and harmonious construction so as to give effect to the real legislative intent.

Applying the above principle, the Madras High Court noted that while Section 79 bars the grant of injunctions by civil courts, the RERA Act does not confer any express power upon the Regulatory Authority, the Adjudicating Officer, or the Appellate Tribunal to grant the equitable relief of permanent injunction. Consequently, a literal enforcement of the jurisdictional bar would result in a vacuum for seeking remedy, depriving an aggrieved party of any forum for obtaining equitable protection of possession and property rights. The Court thus distinguished between disputes that are substantively adjudicated under the RERA framework and those civil law remedies which remain outside the statutory scheme. Therefore, it was held that,

“27...the common law equitable remedy of permanent injunction not being available to the plaintiff under any of the provisions of the RERA Act, the civil suit instituted by the respondent is certainly maintainable and cannot be rejected as being barred under law invoking Order VII Rule 11(d) of CPC.”

The recent judgment of the Madras High Court underscores that even where a statute expressly excludes the jurisdiction of civil courts, such exclusion operates only in respect of matters for

¹² (2025) 6 CTC 857

¹³ (2021) 18 SCC 1

which the statute provides an adequate and efficacious remedy. Where the statutory framework does not empower the statutory authorities to grant a particular form of relief mere bar for invoking the remedy of the jurisdiction of the civil courts will not arise.

Scope of Suo Moto Powers to Reject or Return the Plaint:

Section 151 of the Code of Civil Procedure embodies the inherent powers of the Civil Court to pass such orders as may be necessary to meet the ends of justice or to prevent abuse of the process of the court. However, this inherent jurisdiction is not a *carte blanche*¹⁴; it is to be exercised with judicial restraint and only in the absence of a specific procedural provision under the Code.

A court cannot, under the guise of inherent power, assume authority to initiate proceedings under Order VII Rule 10 or Rule 11 of the CPC *suo motu*, in the absence of an application from the opposing party. This principle was lucidly clarified by the Hon'ble Supreme Court in *Exphar SA & Anr. v. Eupharma Laboratories Ltd. & Anr.*¹⁵, where the Court, while examining the question of jurisdiction under Section 62 of the Copyright Act, 1957, cautioned that the allegations in the plaint must be taken as true for the purpose of deciding jurisdiction. In that case, the trial court had returned the plaint based solely on the averments made in the written statement, without any application invoking Order VII Rule 10 or Rule 11. The Supreme Court emphatically negated this approach, observing that such an exercise of power is impermissible and contrary to procedural law. This judicial stance invites deeper reflection. when courts begin to act unilaterally without procedural foundation, it will lead to blur the line between judicial discretion and judicial overreach.

Rejecting a plaint based on a bar in pecuniary jurisdiction:

Every court exercises a defined pecuniary jurisdiction in determining its competence to entertain a suit. Under Section 15 of the Code of Civil Procedure (CPC), every suit must be instituted in the court of the lowest grade competent to try it. For instance, consider a plaint filed before a Subordinate Court seeking to set aside a sale deed worth Rs.15,00,000/- on the ground of fraud, whereas the pecuniary jurisdiction of that court extends only up to Rs.10,00,000/-. The defendant, in such a case, may move an application under Order VII Rule

¹⁴ "Complete freedom to do something" According to Cambridge Dictionary

¹⁵ 2004 (3) SCC 688: AIR 2004 SC 1682

11 CPC for rejection of the plaint, contending that the pecuniary value exceeds the court's jurisdiction and can be ascertained from the sale deed annexed to the plaint. However, the court cannot summarily reject the plaint merely by perusing the sale deed, since the very validity and genuineness of that document are under challenge in the suit. These issues can only be adjudicated upon during trial based on evidence.

In *Radhika v. A. Perumal*¹⁶, the Madras High Court reinforced this principle by holding that when the authenticity of a sale agreement or related documents is in dispute, the question of pecuniary jurisdiction becomes a mixed question of law and fact, requiring evidence for determination. Therefore, the Court directed that the issue of pecuniary jurisdiction be framed and tried as a preliminary issue, rather than forming a basis for rejecting or returning the plaint. This judicial approach underscores that procedural thresholds must never overshadow the substantive validity of a claim.

Striking of plaint: An Introduction

As already discussed, a plaint can be rejected when the averments contained therein do not satisfy any of the conditions stipulated under Order VII Rule 11 of the Code of Civil Procedure, 1908.

However, a question arises as to whether the grounds mentioned under Order VII Rule 11 alone are sufficient to seek rejection of a plaint. The answer is no—there exists an alternative remedy apart from the said provision.

Such a remedy can be invoked under Article 227 of the Constitution of India, 1950, by filing a Civil Revision Petition before the jurisdictional High Court. The necessity for such revisional jurisdiction is also recognized under Section 115 of the Code of Civil Procedure, 1908, which empowers the High Court to interfere with proceedings of subordinate courts by allowing the suit to proceed would result in irreparable injury to the aggrieved party.¹⁷

In order to invoke this extraordinary and supervisory jurisdiction, the litigant must establish that the suit instituted before the Civil Court amounts to an abuse of the process of law and involves suppression of material facts. The litigant is further required to satisfy the Court that

¹⁶ CRP No. 228 of 2020 on the file of Madras High Court, dated 27.03.2023

¹⁷ Section 115 (e) of the Code of Civil Procedure, 1908.

the plaintiff has no prima facie chance of success, and that permitting the trial to continue would only lead to unnecessary hardship and miscarriage of justice. In order to invoke this jurisdiction, the applicant need not necessarily file an application under Order VII Rule 11 of the Code of Civil Procedure before the Civil Court; rather, he may directly invoke the revisional jurisdiction of the High Court by filing a striking off application under Article 227 of the Constitution of India.

Let us consider a classic instance adjudicated by the Hon'ble Madras High Court in relation to this issue. In the said case, the plaintiff filed a suit for specific performance to execute a sale deed based on a Memorandum of Understanding (MOU) entered into with the defendant for the sale of a property. Under the terms of the MOU, the parties were required to execute a formal agreement of sale within six months; however, no such agreement was executed even after a lapse of seventeen years from the date of the MOU.

The Court observed that as per the terms of the MOU, the validity of MOU is only for a period of six months, within which the agreement for sale ought to have been entered into. Consequently, the plaintiff's claim seeking execution of a sale deed on the basis of the MOU was unsustainable, as the document itself contemplated the subsequent execution of a formal sale agreement. A mere perusal of the MOU revealed that it was not a concluded contract between the parties, but only an understanding subject to the execution of an agreement of sale for it to become enforceable.

The Court, while relying on the judgment of the Division Bench of the Madras High Court in *H.G. Krishna Reddy and Co. v. M.M. Thimmaiah and Others*¹⁸, reaffirmed that a right to seek specific performance arises only when a contract becomes a concluded contract. In the instant case, since the MOU expressly contemplated the execution of a further agreement, and given that the suit was barred by limitation on the face of the record, the claim was held to be unsustainable in law.

The Court, in such cases, proceeds on the premise that where a Memorandum of Understanding (MoU) contemplates the execution of a further agreement, the contract may appear, at first blush, to be incomplete. However, the crucial question is whether this circumstance, by itself,

¹⁸ 1983 (1) MLJ 467

can constitute a valid ground for striking off or rejecting a plaint, particularly when the MoU itself evidences *consensus ad idem* on all essential terms between the parties, such as the consideration, acknowledgment of receipt of advance, the agreed framework for further payments, and other material conditions.

This issue came up for consideration before the Madras High Court in *S. Vijaya Kumar v. E. Jeevanandam*¹⁹, wherein an application seeking the trial of a preliminary issue under Order XIV Rule 2 of the CPC with respect to the maintainability of the suit and the enforceability of the MoU, was dismissed by the learned Single Judge. On appeal, the appellant, placing reliance on the judgment of the Hon'ble Supreme Court in *Speech and Software Technologies (India) Pvt. Ltd. v. Neos Interactive Ltd*²⁰, contended that the MoU was merely an agreement to enter into a future agreement therefore, did not confer any enforceable rights upon the parties.

The respondents, however, opposed the said contention by drawing attention to specific clauses of the MoU, particularly those relating to consideration and acknowledgment of payment, to demonstrate that definite rights and obligations had crystallized and that the contract stood concluded in material respects. The Division Bench, upon consideration of the rival submissions and the terms of the MoU, rejected the appellant's argument. The Court placed reliance on the decision of the Hon'ble Supreme Court in *Sathyanath & Another v. Sarojamani*²¹, wherein it was held that an application for determination of a preliminary issue is not maintainable where the controversy involves disputed questions of fact or mixed questions of fact and law, and that such an application can be entertained only when the issue raised is a pure question of law.

Return of plaint and rejection of plaint are mutually exclusive:

The doctrines governing return of plaint under Order VII Rule 10 and rejection of plaint under Order VII Rule 11 of the Code of Civil Procedure operate within clearly demarcated and mutually exclusive spheres. A fundamental principle emerging from judicial interpretation is that when a case squarely attracts the grounds enumerated under Rule 11—particularly clause (a), where the plaint fails to disclose a cause of action—the Court is left with no discretion: the plaint must be rejected. In such circumstances, the mechanism of returning the plaint under

¹⁹ 2025 (6) CTC 885

²⁰ 2009 (1) SCC 475

²¹ 2022 (7) SCC 644

Rule 10 becomes wholly inapplicable. The two remedies are distinguishable with their own path.

The Razor thin difference of the two provisions:

- Rule 10 contemplates with territorial or pecuniary jurisdiction which enables the plaintiff to present the plaint before the proper forum.
- Rule 11 relates with substantive defects that strike at the root of the claim itself which warrants the suit to reject on the face of it itself.

Thus, a plaint that suffers from a defect contemplated under Rule 11 cannot be “cured” or “relocated” by invoking Rule 10; the law prohibits accomplishing indirectly what cannot be done directly. Allowing a return instead of a rejection would undermine judicial discipline and enable plaintiffs to sidestep mandatory consequences.

This doctrinal clarity extends equally to cases involving undervaluation of relief. When the Court directs the plaintiff to correct the valuation and the plaintiff fails to comply within the stipulated time, Rule 11(b) mandates rejection of the plaint. Here again, the statute leaves no room for returning the plaint for presentation before another Court. The defect is intrinsic, not jurisdictional, and therefore fatal.

The Division Bench of the Calcutta High Court in *Sisir Kana Guha & Ors. v. Ayakar Grihaniram Samabaya Samity Ltd. & Ors*²² emphatically affirmed this position. The Court held that where Rule 11 of clause (a) is attracted, the invocation of Rule 10 by returning the plaint is impermissible both in principle and in practice, reinforcing that procedural mandates cannot be circumvented through creative redirection.

Lifetime of the Order 7 Rule 11 Application after the suit was disposed:

A recurring misconception among litigants and even occasionally among practitioners is the belief that a plaint cannot be rejected once the suit has progressed to the stage of framing of issues. This understanding is fundamentally flawed. The architecture of Order VII Rule 11 of the Code of Civil Procedure does not prescribe any temporal limitation for invoking the power of rejection. The provision is not stage-specific; it is substance-specific. What matters is not

²² 2002 SCC OnLine Cal 393; AIR 2002 Cal 247

how far the suit has progressed, but whether the plaint suffers from a defect that attracts the mandate of Rule 11.

In fact, judicial authority makes it abundantly clear that an application for rejection of plaint can be entertained at any stage even after disposal of the suit and at the appellate level. The Madhya Pradesh High Court's decision in the case of *Badrilal v. Aakaash*²³ is particularly instructive. In that case, an application for rejection was entertained at the appellate stage on the ground of deficiency under the Court Fees Act. The High Court relied on Section 107(2) CPC, which explicitly provides that an appellate court shall possess all the powers and discharge all the duties of a court of original jurisdiction, insofar as may be applicable.

This doctrinal continuity underscores a critical procedural principle:

An appeal is a continuation of the suit, not a separate or disconnected proceeding. Therefore, if a suit could have been rejected under Order VII Rule 11 before the trial court, the same defect particularly relating to court fee, valuation, or absence of a cause of action may justify rejection of the appeal itself. The appellate court is empowered to apply the very same procedural filters that govern the original proceedings.

This position also reflects the broader jurisprudential philosophy that the judicial process must not be burdened with legally untenable pleadings merely because they managed to survive past an early procedural stage. If the plaint is fundamentally defective whether for want of cause of action, undervaluation, insufficiency of court fee, or any other ground enumerated under Rule 11 it cannot be validated by the mere passage of procedural milestones. The doctrine that Rule 11 may be invoked "at any stage" is consequently not merely procedural but is an essential safeguard for the integrity of civil adjudication.

Conclusion:

This paper was inspired by the concern expressed by the Supreme Court of India in the case of *Yashpal Jain v. Sushila Devi & Ors*²⁴, regarding the alarming rise in pending civil litigation across the country, caused primarily by inordinate delays in legal proceedings and the failure of cases to attain timely finality. The Court has urged all stakeholders and citizens to work

²³ AIR 2019 MADHYA PRADESH 140

²⁴ 2023 SCC Online SC 1377

collectively to address and dismantle the systemic causes of delay and pendency within the justice delivery system. As a law student and more over as a citizen of this country, I aim to highlight through this paper how a properly structured plaint can facilitate the fair and expeditious disposal of civil suits, while also underscoring the necessity of rejecting vexatious or meritless complaints that unnecessarily burden the courts and obstruct the enforcement of genuine civil rights.

