

Rejection of Plaintiff – Order VII Rule 11 CPC

Order VII Rule 11 of the Code of Civil Procedure empowers the court to reject a plaintiff at the very threshold of a suit where it discloses fundamental legal defects. It is well settled that the rejection operates against the plaintiff alone and not the suit as a whole. The provision serves as a crucial procedural safeguard, ensuring that frivolous, vexatious, or non-maintainable claims are filtered out at the earliest stage, thereby saving judicial time and preventing abuse of process.

A plaintiff may be rejected only on the specific grounds enumerated under clauses (a) to (f) of Rule 11, which are exhaustive in nature for the purposes of this provision. Nevertheless, this does not limit the court's inherent powers under Section 151 CPC, which continue to exist independently to ensure justice. The court may also reject a plaintiff on other valid grounds by using these inherent powers, even if such grounds are not specifically mentioned in Order VII Rule 11 CPC.

1. Clause (a): Non-Disclosure of Cause of Action

A cause of action refers to the bundle of essential facts which the plaintiff must establish in order to succeed in a suit. It consists of two basic elements: first, the existence of a legal right in favour of the plaintiff; and second, the infringement of that right by the defendant. These two elements together constitute the cause of action. The entire suit is based upon and revolves around the cause of action, making it the foundation of every civil proceeding.

It is the duty of the plaintiff to clearly and expressly state the cause of action in the plaintiff, as the whole case depends

upon it. The plaintiff is required to produce evidence to prove that he had a legal right and that such right has been violated by the defendant. On the other hand, the defendant may lead evidence to disprove the existence of the cause of action.

The responsibility to disclose the cause of action lies entirely on the plaintiff. The court considers and records only such evidence which is relevant to the cause of action. The cause of action gives rise to the “facts in issue,” and all proceedings in the suit revolve around it. In the absence of a cause of action, the suit has no basis. Therefore, it is essential for the plaintiff to disclose it clearly and specifically.

If there is any doubt regarding the cause of action, the court has the power to examine the plaintiff under Order X Rule 1 CPC. Proper disclosure of the cause of action is necessary for framing correct issues and also to fulfil the principles of natural justice, by informing the defendant of the exact case he has to meet, so that he may take an effective defence.

At the stage of the first hearing, the court examines whether the cause of action has been properly disclosed. The court does not adopt a hyper-technical approach; rather, it reads the plaint as a whole. It may also conduct an oral examination of the plaintiff under Order X Rule 1, and where required, may examine the plaintiff’s witnesses as well (though not on oath).

The court may direct the plaintiff to amend the plaint to make the cause of action clear. Rejection of the plaint is not automatic in every case of improper disclosure. However, where the court finds that the plaint does not disclose any cause of action at all, the plaint shall be rejected under Order VII Rule 11(a) CPC.

Important Case Laws

1. R.K. Roja v. U.S. Rayudu

Citation: (2016) 14 SCC 275

In this case, the Supreme Court reiterated that while deciding an application for rejection of plaint, the court must look only at the plaint. It cannot consider the allegations made by the defendant in the written statement or in the application for rejection. If, on reading the plaint as a whole, it falls within any of the grounds mentioned under Order VII Rule 11(a) to (f), the plaint must be rejected.

2. Kuldeep Singh Pathania v. Bikram Singh Jaryal

Citation: (2017) 5 SCC 345

The Court held that the focus should be on whether the pleadings of the plaintiff disclose a cause of action. The term “pleadings” may also include replication, if filed, especially to check for any admissions by the plaintiff. However, the court must base its decision only on the plaintiff’s pleadings and not on the defence or materials produced by the defendant.

3. T. Arivandandam v. T.V. Satyapal

Citation: (1977) 4 SCC 467 : AIR 1977 SC 2421

The Supreme Court emphasized that the court should conduct a meaningful, not merely formal, reading of the plaint. If the plaint appears to be vexatious or without merit, and does not disclose a clear right to sue, it should be rejected under Order VII Rule 11. The Court also warned that if clever drafting creates a false illusion of a cause of action, the court must act at the earliest stage and can examine the plaintiff under Order X CPC to uncover the truth.

4. Roop Lal Sathi v. Nachhattar Singh Gill

Citation: (1982) 3 SCC 487 : AIR 1982 SC 1559

It is a settled principle that the court must read the entire plaint as a whole and not focus on any particular part in isolation. The Supreme Court held that partial rejection of a plaint is not permissible. If the plaint does not disclose any cause of action, then the whole plaint must be rejected, and not just a part of it.

5. Raptakos Brett & Co. Ltd. v. Ganesh Property

Citation: (1998) 7 SCC 184 : AIR 1998 SC 3085

The Court reiterated that while deciding an application under Order VII Rule 11 CPC, the averments in the plaint must be considered in totality. The plaint should be read as a whole to determine whether it discloses a cause of action, and not in a piecemeal or selective manner.

2. Clause (b) & (c) – Undervaluation of Suit and Insufficient Court Fee

Clause (b) and Clause (c) of Order VII Rule 11 CPC deal with defects relating to undervaluation of the suit and insufficient court fee. Both provisions are based on the principle that such defects are procedural and curable in nature, and therefore the court should not reject the plaint at the outset but must first provide an opportunity to the plaintiff to rectify the defect.

Clause (b) – Undervaluation of Suit:

Where the suit is undervalued, the court directs the plaintiff to correct the valuation within a time fixed by it. If the plaintiff corrects the valuation within the prescribed time, the suit proceeds. However, if the plaintiff fails to do so, the plaint shall be rejected.

Clause (c) – Insufficient Court Fee:

Where the suit is properly valued but the court fee paid is insufficient, the court gives time to the plaintiff to make good the deficiency. If the deficiency is cured within the time allowed, the suit continues. If the plaintiff fails to comply, the plaint shall be rejected.

It is a well-settled principle that a plaint cannot be rejected on these grounds unless the plaintiff is given an opportunity to correct the valuation or to make good the deficiency in court fees within the time fixed by the court, as contemplated under Order VII Rule 11(b) and (c) CPC. Only upon failure to comply with such direction does the consequence of rejection of the plaint arise.

Clause (b) & (c) read with section 148 & 149 cpc

In cases of undervaluation of the suit or deficiency in court fees, the court does not reject the plaint straightaway. Instead, it grants an opportunity to the plaintiff to make the necessary corrections within a time fixed by it, which is generally around 7 days, depending on the court's discretion.

Since this time is fixed by the court, any request for extension beyond the initial period must be made under Section 148 CPC. Under this provision, the court may extend the time, but such extension is ordinarily limited to a maximum of 30 days in total, excluding the original period granted. If further extension is required beyond this limit, the court may exercise its inherent powers under Section 151 CPC to extend the time in appropriate cases.

SECTION 148

Section 148 CPC deals with the power of the court to enlarge the time fixed or granted by it for doing any act prescribed or allowed under the Code. The provision states that such extension shall not exceed 30 days in total.

However, it is well settled that this upper limit of 30 days does not take away the inherent powers of the court under Section 151 CPC. A strict or rigid application of Section 148 may lead to injustice in certain cases. Therefore, the provision must be interpreted in a manner that advances justice rather than defeats it.

The Supreme Court in *Salem Advocate Bar Association v. Union of India* (AIR 2005 SC 3353)** clarified important aspects regarding the application of Section 148 CPC.

Firstly, the Court held that Section 148 applies only where the original time has been fixed by the Court itself. In such cases, the Court has the power to extend the time (generally up to 30 days), subject to sufficient cause.

Secondly, the Court made it clear that where the time is fixed by the CPC itself and not by the Court, Section 148 will not apply. In such situations, extension of time can be granted only by invoking the inherent powers under Section 151 CPC, if the ends of justice so require.

Provisions Where Court Has Power to Fix Time (Section 148 Applicable)

Section 148 applies in those provisions where the Court has discretion to fix time, such as:

- Order VI Rule 18 CPC
- Order VII Rule 11(b) & (c) CPC
- Order VIII Rule 9 CPC
- Order XIV Rule 4 CPC
- Order XXI Rule 17 CPC
- Order XXV Rule 1 CPC
- Order XLI Rule 10 CPC
- Order XLI Rule 3(1) CPC

In all these provisions, since the time is fixed by the Court, extension can be granted under Section 148 CPC (up to 30 days), and beyond that, under Section 151 CPC in exceptional circumstances.

Section 149 Doctrine of Relation Back.

Section 149 CPC deals with a situation where the plaintiff, at the time of filing the suit, either does not pay court fees or pays insufficient court fees. In such cases, the defect is not fatal, and the court does not reject the plaint at once. Instead, the law adopts a liberal approach to ensure that justice is not defeated on technical grounds.

When a suit is filed with deficient court fees, either the plaintiff himself may realise the mistake, or the court may notice it, or the defendant may raise an objection. In such a situation, the court has the power to allow the plaintiff to make good the deficiency. This can be done either on an application filed by the plaintiff under Section 149 CPC or even Suo motu by the court.

Once the court grants permission and the plaintiff pay the deficient court fee, the payment is treated as if it was made on the original date of filing of the suit. This is known as the Doctrine of Relation Back. The effect of this doctrine is very important, especially in matters of limitation, because it protects the suit from being barred by time.

Even where the defendant files an application for rejection of the plaint under Order VII Rule 11(c) CPC, and at the same time the plaintiff files an application under Section 149 CPC to make good the deficiency, the court generally gives preference to the application under Section 149. This is because the court has a duty to provide an opportunity to the plaintiff to correct the defect, and procedural law should not defeat substantive justice. Practically, therefore, rejection of plaint on this ground is rare unless there is clear negligence or mala fide conduct.

It is also important to note that court fees are required not only at the stage of filing a suit but also in review applications and memoranda of appeal. In all such cases, if there is deficiency in court fees, Section 149 CPC can be invoked.

The court exercises its discretion liberally under this provision and may allow correction at any stage of the proceedings before the judgment is delivered, unless it finds that the plaintiff is acting mala fide. Even if the plaintiff does not file an application, the court itself has the power to permit correction.

Clause (d): Suit Barred by Law

Under Order VII Rule 11(d) of the Code of Civil Procedure, a plaint shall be rejected where the suit appears, from the statements contained in the plaint itself, to be barred by any law. This provision operates at the threshold stage and is based purely on the averments made in the plaint.

Two essential conditions must be satisfied for the application of this clause:

First, the suit must be barred by law.

Second, such bar must be apparent from the statements contained in the plaint itself.

Both conditions are mandatory and must co-exist. If either condition is absent, the plaint cannot be rejected under this provision.

Meaning of “Barred by Law” (Order VII Rule 11(d) CPC)

The expression “barred by any law” under Order VII Rule 11(d) CPC refers to a legal prohibition which prevents the Court from entertaining or proceeding with a suit. The term “bar” signifies a legal objection that arrests or obstructs a claim. In its legal sense, it means to prevent a suit from being entertained, to exclude it from judicial consideration, or to render it legally non-maintainable.

Thus, where the institution or continuation of a suit is prohibited by any statutory provision or legal principle, the suit is said to be barred by law.

Such bar may arise under various provisions, including:

Meaning of “Barred by Law” .The expression “barred by law” includes various legal prohibitions such as:

- **Res Judicata (Section 11 CPC)**
- **Order II Rule 2 CPC (splitting of claims)**
- **Order XXII Rules (abatement)**
- **Order XXIII Rule 3A CPC (bar on challenging compromise decree)**
- **Section 80 CPC (mandatory notice requirement)**
- **Limitation Act (time-barred suits)**
- **Any other statutory prohibition**

Thus, if any law prohibits the institution or continuation of the suit, it falls within the ambit of this clause.

- **The most important requirement under Order VII Rule 11(d) CPC is that the bar to the suit must be clearly visible from the plaint itself. The Court will examine only the averments made in the plaint and the documents filed along with it. It cannot consider the written statement, defence of the defendant, or any external evidence. If the bar is not apparent from the plaint and requires proof, then this provision cannot be applied.**
- **Where the alleged bar can be established only by leading evidence, the plaint cannot be rejected at the initial stage. For example, if the defendant raises the plea of res judicata and**

produces a previous judgment to prove it, the bar is not evident from the plaint but is proved through evidence. In such cases, the Court will not reject the plaint under Order VII Rule 11(d). Instead, it will frame a preliminary issue, and the burden of proof will lie on the defendant to establish the bar during the trial.

Clause (e): Plaint Not Filed in Duplicate

Under Order VII Rule 11(e) CPC, a plaint is liable to be rejected if it is not filed in duplicate. This requirement is supported by Order IV Rule 1 read with Rule 9, which mandates that a plaint must be submitted along with duplicate copies so that one copy remains with the Court and the other can be used for service upon the defendant. Further, Order IV Rule 1(3) clarifies that a plaint not filed in duplicate shall not be regarded as duly instituted.

However, in practical terms, such a situation rarely arises. At the time of filing, the court's filing clerk examines whether all procedural requirements, including submission of duplicate copies, have been complied with. If the plaint is not filed in duplicate, the clerk generally refuses to accept it and directs the plaintiff to rectify the defect. Even if such a plaint is mistakenly accepted, the Court usually grants time to the plaintiff to file the duplicate copies. It is only when the plaintiff fails to comply within the time granted that the Court proceeds to reject the plaint under Order VII Rule 11(e) CPC.

Clause (f): Non-Compliance with Order VII Rule 9

Under Order VII Rule 11(f) CPC, a plaint shall be rejected where the plaintiff fails to comply with the requirements prescribed under Order VII Rule 9 CPC. This provision deals with the steps to be taken by the plaintiff after the plaint is admitted by the Court.

When a plaint is filed, the Court first examines whether there are any defects in the plaint. If any defects are found, office objections are raised and the plaintiff is required to rectify them. Once the defects are removed, the Court orders issuance of summons. At this stage, Order VII Rule 9 mandates that the plaintiff must, within the prescribed time (generally 7 days), file the necessary process fee along with copies of the plaint and documents on plain paper for each defendant so that summons can be duly served.

If the plaintiff fails to comply with these requirements within the time granted, the consequence provided under Order VII Rule 11(f) is that the plaint shall be rejected. However, courts generally adopt a liberal approach and may grant extension of time under Section 148 or Section 151 CPC if sufficient cause is shown, as procedure is considered a handmaid of justice.

In practice, if the plaintiff does not file process fee or copies of the plaint, summons cannot be served upon the defendant. If the defendant does not appear due to non-service of summons, the Court cannot proceed ex parte against the defendant. The Court must first ensure that summons were duly served. If it finds that non-service was due to the plaintiff's default, the Court may either grant further time with costs, reject the plaint under Order VII Rule 11(f), or in appropriate cases dismiss the suit under Order IX Rule 2 CPC.

The rejection of plaint is a more severe consequence, as the plaintiff must file a fresh suit and pay court fees again, subject to limitation. On the other hand, dismissal of the suit under Order IX Rule 2 is comparatively less harsh, as the plaintiff may either bring a fresh suit or apply for restoration under Order IX Rule 4 CPC.

Order VII Rule 12 & Rule 13 CPC – Effect of Rejection of Plaint

Under Order VII Rule 12 CPC, where a plaint is rejected, the Court is required to pass a formal order recording such rejection along with reasons. This ensures transparency and enables the parties to understand the basis of the Court's decision. The requirement of recording reasons is mandatory, as it reflects judicial application of mind and facilitates appellate scrutiny.

An order rejecting a plaint under Order VII Rule 11, read with Rule 12, is deemed to be a decree within the meaning of Section 2(2) CPC. This is because such rejection conclusively determines that the plaintiff is not entitled to proceed with the suit in its present form, for example, due to insufficient court fee or other legal defects. To that limited extent, it amounts to a final decision and is therefore appealable.

However, it is important to note that rejection of a plaint does not amount to adjudication on merits of the case. It does not finally determine the substantive rights of the parties in respect of the subject matter of the dispute. The rejection is based on procedural or legal defects in the plaint, and not on the merits of the claim itself.

This position is further clarified under Order VII Rule 13 CPC, which provides that rejection of a plaint on any of the grounds mentioned in Rule 11 does not operate as a bar to filing a fresh suit on the same cause of action, provided the defect is cured and the suit is filed within the period of limitation.



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