Subject Name: Civil Procedure Code
Topic Name: Rejection of Plaint

Table of Content:-

Introduction..... 1
Failure To Disclose The Cause of Action..... 1
Where Relief is Undervalued..... 2
Where Plaint is Insufficiently Stamped..... 2
Suit Barred By Law..... 2
Plaint Not Filed in Duplicate..... 2
Non-Compliance of Order VII Rule 9..... 2
Rejection of Plaint and Res Judicata..... 3

Introduction

According to Order VII Rule 11, a plaint may be rejected under the subsequent circumstances:

1. Failure to disclose the cause of action.

2. Undervaluation of relief, along with the plaintiff's neglect to rectify it.

3. Insufficient stamping on the paper, and the plaintiff's omission to rectify it.

4. Suit seeming to be barred by law.

5. Non-filing of the plaint in duplicate.

6. Plaintiff's non-compliance with R.9.

Failure To Disclose The Cause of Action

If the plaintiff's filed plaint fails to disclose any cause of action, the court is empowered to reject it. However, for the court to reject the plaint on this basis, it must solely examine the content of the plaint and nothing else.

The authority to reject a plaint under this circumstance should only be exercised if the court determines that even if all the assertions within the plaint are proven, the plaintiff would not be entitled to any remedy. In such instances, the court will reject the plaint without summoning the defendants.

It's essential that the assessment of the plaint is substantive and not merely procedural. Nonetheless, if the plaint lacks a cause of action, no amount of skillful drafting, repetition of phrases, or semblance can fabricate a cause of action within it.

Furthermore, it's crucial to distinguish between a plea asserting that the plaint doesn't reveal a cause of action and a plea contending that there's no cause of action for initiating a suit. In assessing whether the plaint discloses a cause of action, only the assertions made within the plaint hold relevance and significance. A cause of action cannot be partially rejected; it must be taken as a whole.

Where Relief is Undervalued

If the relief sought by the plaintiff is undervalued and the correction of the valuation is not made within the time stipulated or extended by the court, the plaint will be dismissed.

In determining whether the suit is accurately valued, the court must focus solely on the content of the plaint and should not consider other factors that may later affect its judgement regarding the true value of the relief sought.

Where Plaint is Insufficiently Stamped

At times, the relief claimed by the plaintiff may be appropriately valued, yet the plaint is drafted on paper with insufficient stamping, and the plaintiff neglects to pay the necessary court fees within the specified or extended timeframe set by the court. In such instances, the plaint will be rejected.

However, if the required court fee is paid within the extended period granted by the court, the suit or appeal must be treated as instituted from the date when the plaint or memorandum of appeal was initially presented, for both the purpose of adhering to limitation periods and for payment of court fees.

Should the plaintiff be unable to afford the court fees, they may request to continue the suit as an indigent person.

Important Links for Judiciary Free Resources (Click on Each to Open Respective Pages)	
Subject Wise Mains PYQ Solution	Essay for Judiciary
Subject Wise Notes	Legal Doctrines
Landmark Judgements	GS Notes
Weekly Current Affair	Subject Wise Prelims PYQ Solution
Free Answer Writing Course	Judgement Writing
Telegram Link	Youtube Link

Suit Barred By Law

If the statements in the plaint indicate that the suit is barred by any law, the court will dismiss the plaint.

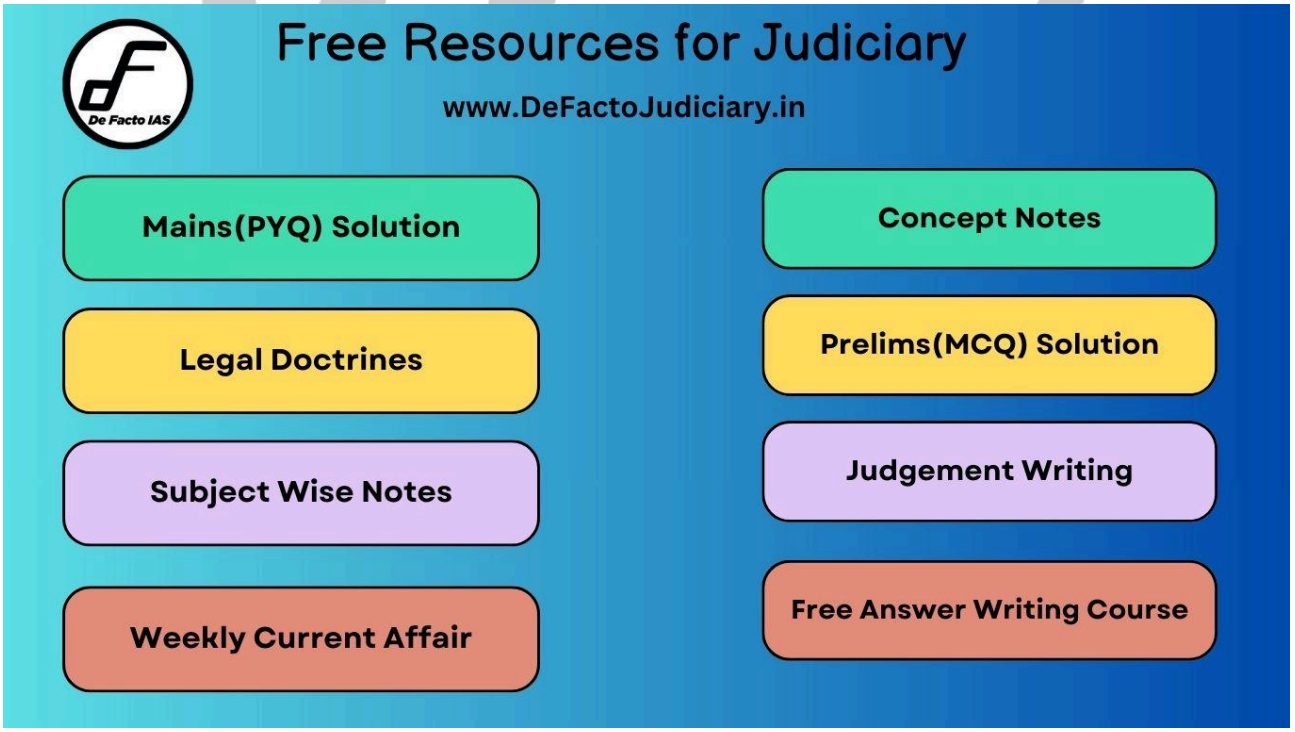
For example, in a suit against the government where the plaint fails to mention the "notice" required by Section 80 of the Code, the plaint will be rejected under this provision. However, if the waiver of such notice is pleaded, the court cannot reject the plaint without affording the plaintiff an opportunity to prove this fact.

Similarly, if the plaint itself reveals that the claim is time-barred, the plaint may be dismissed. However, if the issue of limitation is intertwined with the merits of the case, it must be decided alongside other issues.

It is incumbent upon the court to examine on its own initiative whether a filed suit is barred by any law. In essence, the court is obligated to address such a question regardless of whether it is raised by the parties.

Plaint Not Filed in Duplicate

In cases where the plaint is not submitted in duplicate, it is mandatory for the plaint to be filed in duplicate. If this requirement is not met, the plaint will be dismissed.



Non-Compliance of Order VII Rule 9

If the plaintiff fails to adhere to the statutory provisions outlined in Rule 9, the plaint will also face rejection.

Rejection of Plaint and Res Judicata

The Supreme Court recently reaffirmed that the principle of res judicata cannot serve as a basis for the rejection of a plaint under Order VII Rule 11(d) of the Code of Civil Procedure (CPC).

In, Keshav Sood v. Kirti Pradeep Sood,delivered by a bench consisting of Justices Abhay S. Oka and Justice Pankaj Mithal, the Court clarified the application of Rule 11(d) of the CPC and its interplay with the doctrine of res judicata.

The Court's key observations included:

1. Res Judicata Cannot Be Decided on Order VII Rule 11 Application: The Court emphasised that considering matters beyond the pleadings in an earlier suit was necessary to decide the issue of res judicata. It highlighted that various documents relied upon by the appellant in their application under Rule 11 of Order VII of CPC needed examination to determine the issue of res judicata.

2. Scope of Rule 11 of Order VII of CPC: The Court reiterated that Rule 11 of Order VII of CPC restricts the court to consider only the averments made in the plaint and accompanying documents. It clarified that the defences presented by a defendant and the documents they rely upon cannot be considered while deciding such an application.

3. Adjudication on Res Judicata Involves Complex Considerations: The Court stressed that determining the plea of res judicata requires a detailed examination of various elements, including the pleadings in the earlier suit and judgments of the Trial and Appellate Courts.

The Court concluded that neither the learned Single Judge nor the Division Bench at that stage could have decided the plea of res judicata on its merits. The appeal was disposed of while leaving the issue of res judicata open.

This recent pronouncement echoes the findings made in earlier cases, emphasising that res judicata cannot be invoked as a ground for the rejection of a plaint under Order VII Rule 11(d) of CPC.