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# Studying Grounds of Plaintiff Rejection: Order VII Rule 11 and Judicial Interpretations

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## ABSTRACT

*Every court is required to review complaints to determine their admissibility. The present research paper examines the grounds for rejecting a plaintiff as well as the associated legal provisions. It supports each ground of rejection with thorough explanations supported by actual cases. The study highlights the importance of Order VII Rule 11, which lays down specific grounds for rejection of a plaintiff by a court.*

*To protect the effectiveness of the legal process, Order VII Rule 11 intends to rapidly reject arbitrary and vexatious complaints. It makes sure that important court time and the defendants' attention aren't wasted on meaningless or unsuccessful litigation.*

*Although the term "plaintiff" does not have a clear definition in the Code of Civil Procedure (CPC), it holds legal prominence. Plaintiffs must follow certain guidelines or their plaintiff may stand rejected. The primary emphasis is on the particular grounds listed in Order VII Rule 11 that result in rejection of a plaintiff. This rule is a procedural rule that also ensures the adequate application of the Court Fees Act of 1870. This paper explores the complexity of plaintiff rejection in judicial procedures.*

**Keywords:** *The Code of Civil Procedure, 1908; Rejection of a Plaintiff; Return of a Plaintiff; Order VII Rule 11; Cause of Action; The Court Fees Act of 1870.*

## I. INTRODUCTION

In the world of law, the turn a complaint makes after it enters court is a crucial moment in the quest for justice. The court must decide whether to accept the plaintiff and move forward with the case, reject it completely, or return it to the plaintiff or the party who filed the lawsuit after carefully evaluating its maintenance. This crucial decision, which captures the core of judicial discretion, rests on *Order VII Rule 11*, a keystone of the legal system.

This rule precisely lays forth the grounds based on which a plaintiff can be rejected. A prerequisite for starting a lawsuit is the filing of a plaintiff. Essentially, the court treats it as a collection of facts and a statement of claims. As a result, each Court has a duty to consider the plaintiff and determine whether it should be allowed or not. The provisions contained in *Order VII Rule 11* of the Code are mandatory, and the Court does not have the discretion to reject the plaintiff after

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the circumstances outlined in the provisions take place<sup>2</sup>. The plaintiff should be given the chance, whenever practicable, to remove the reason of concern before rejecting the plaint as stated by the Supreme Court of India<sup>3</sup>.

### **(A) Research Objectives**

1. To examine the underlying grounds of rejection of a plaint as laid down in *Order VII Rule 11* and trace the recent significant developments through an examination of various judicial precedents.
2. To highlight the nature of *Order VII Rule 11* through significant judicial pronouncements.
3. To make a clear distinction between the return and rejection of a plaint by the courts to establish a clearer understanding of legal procedures.

### **(B) Methodology**

The paper uses descriptive methodology, by carefully examining relevant statutes, court rulings, and legal documents. Quality sources such as SCC, Manupatra, JSTOR among others have been referred to craft a pure legal analysis.

## **II. DIFFERENCE BETWEEN REJECTION AND RETURN OF A PLAINT**

It is crucial to acknowledge the clear distinction between returning and rejecting a plaint. According to *Order VII Rule 10*, the lawsuit is redirected or returned to the court with competent jurisdiction where it should have been initially initiated when the court in question judges that it lacks authority to decide a subject at any stage of the suit. Simply put, if the court determines at any point during the trial that the plaint should be heard in some other court holding jurisdiction, it may exercise its power to send the case back to the relevant court with the necessary jurisdiction.

As opposed to this, *Order VII Rule 11* provides a specific set of grounds on which the court may decide to reject a plaint. This rule's main goal is to speedily reject complaints that show signs of frivolity, vexation, or illegal conduct from the very beginning, saving valuable judicial time and resources. In the case of *Azhar Hussain v. Rajiv Gandhi*<sup>4</sup>, it was upheld that the main aim of *Order VII Rule 11* was to prohibit the filing of litigations devoid of substantive merit or futility. As will be further discussed in the parts that follow, the case of *Dahiben v. Arvindbhai*

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<sup>2</sup> Dahiben v. Arvindbhai Kalyanji Bhanushali, (2020) 7 SCC 366.

<sup>3</sup> Deepaz Kumar v. Shri Krishan, AIR 2002 SC 2113.

<sup>4</sup> Azhar Hussain v. Rajiv Gandhi, 1986 AIR 1253.

Kalyani Bhanusali<sup>5</sup> further highlighted the need of such remedies in reducing frivolous lawsuits and preserving judicial effectiveness.

### III. NATURE OF ORDER VII RULE 11

*Order VII Rule 11* is a significant legal provision that has evolved in light of numerous judicial precedents, as is further discussed in the paper. The Supreme Court in *R.K. Roja v. U.S. Rayudu & Anr.*<sup>6</sup>, stated that while the application for plaint rejection may be raised at any stage of the legal procedure, it must be settled before the trial actually begins. The Calcutta High Court<sup>7</sup> dismissed a plaint after it was given a suit number, proving that the power to consider rejection at a later stage stands true.

It is also crucial to note that a plaint cannot be rejected partially<sup>8</sup>; if rejection is justified, it must be applied uniformly and thoroughly to the whole plaint, as established in the case of *Kalepu Pala Subrahmanyam v. Tiguti Venkata*<sup>9</sup>.

The court 'must' follow this rule since it is not a discretionary power of the courts. In *Dahiben v. Arvindbhai Kalyanji Bhanushali*<sup>10</sup>, the Supreme Court highlighted the mandatory nature of *Order VII Rule 11*, and stated that if any of the grounds enumerated under *Rule 11(a) to (e)* are established, the court "shall" dismiss the plaint.

In *Srihari Hanumandas Totala v. Hemant Vithal Kamath and Ors.*<sup>11</sup>, the Supreme Court reaffirmed the non-discretionary nature of *Order VII Rule 11* and stressed on the significance of focusing solely on the pleadings within the plaint when assessing rejection based on the listed grounds. The defendant's pleadings cannot be considered to check validity of a plaint<sup>12</sup>.

Additionally, the Supreme Court emphasized in *K. Akbar Ali v. Umar Khan*<sup>13</sup> that the grounds of rejection listed in *Order VII Rule 11* are not comprehensive in nature. This decision has broadened the application of *Rule 11* since it is inferred that there can exist valid grounds outside the list laid in *Order VII Rule 11*.

In *Bibhas Mohan Mukherjee v. Hari Charan Banerjee*<sup>14</sup>, the Calcutta High Court held that an

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<sup>5</sup> Dahiben v. Arvindbhai Kalyanji Bhanushali, *supra* note 1, at 4.

<sup>6</sup> R.K. Roja v. U.S. Rayudu & Anr., (2016) 14 SCC 275.

<sup>7</sup> Selina Sheehan v. Hafez Mohammad Fateh Nashib, AIR 1932 Cal 685.

<sup>8</sup> Roop Lal Sathi v. Nachhatar Singh Gill, 1982 AIR 1559.

<sup>9</sup> Kalepu Pala Subrahmanyam v. Tiguti Venkata, AIR 1971 AP 313.

<sup>10</sup> Dahiben v. Arvindbhai Kalyanji Bhanushali, *supra* note 1, at 4.

<sup>11</sup> Srihari Hanumandas Totala v. Hemant Vithal Kamat, (2021) 9 SCC 99.

<sup>12</sup> G. Nagaraj v. B.P. Mruthunjayanna, 2018 SCC OnLine Kar 3562; Saleem Bhai v. State of Maharashtra, (2003) 1 SCC 557.

<sup>13</sup> K. Akbar Ali v. K. Umar Khan, (2021) 14 SCC 51.

<sup>14</sup> Bibhas Mohan Mukherjee v. Hari Charan Banerjee, AIR 1961 Cal 491.

order passed for rejection of a plaint is a decree against which the provision of appeal is applicable. *Section 2(2)* of CPC deems the rejection of plaint as a decree.

It is crucial to highlight that *Order VII Rule 11* is also subject to limitations such as an application for rejection of plaint shall be filed by the defendant before the proceedings of the trial commence. The application is not unlimited and should be used sparingly, as was stated in *Kamala & Ors v. K.T. Eshwara Sa & Ors*<sup>15</sup>. Further, the Supreme Court in *G. Nagaraj v. B.P. Mruthunjayanna C.A.*<sup>16</sup>, clarified that a plaint cannot be rejected under *Order VII Rule 11* merely because there were some inconsistent averments in the plaint.

#### IV. ANALYSIS

This paper shall thoroughly examine the grounds for rejection of plaint<sup>17</sup>, with a primary focus on those stated in *Order VII Rule 11*. Each rejection ground will be examined in a two-fold manner: first, the statutory provision itself, and second, various aspects of these provisions that have come through time via significant case laws and precedents.

The plaintiff must show 'locus standi,' or prove that a legal right was violated and the harm thus caused, in order to file a suit. In the absence of violation of a legal right, the plaintiff lacks "locus standi" to file a suit. In simple words, it refers to the ability of the party to prove that there was a sufficient cause of action in filing the suit. According to *Order VII Rule 11*, locus standi of the suit is dependent on whether any grounds were violated that resulted in rejection of the plaint<sup>18</sup>.

##### ***(A) Cause of Action is not disclosed [Order VII Rule 11(a)]***

The term 'cause of action' is not defined specifically in CPC. In lay man understanding, 'cause of action' refers to the factual claims made in a complaint that serve as the plaintiff's justification for pursuing legal action in a court of law. As a result, once a person's rights are violated, a cause of action arises, allowing the party who was wronged to seek redressal in a court of law.

A cause of action is defined by four essential components: the existence of a duty, breach of the said duty, the causal relationship to the breach, and the damages sustained by the plaintiff as a result of the breach.

The term cause of action has been used multiple times in various provisions in the CPC. *Order*

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<sup>15</sup> Kamala & Ors v. K.T. Eshwara Sa & Ors., (2008) 12 SCC 661.

<sup>16</sup> G. Nagaraj v. B.P. Mruthunjayanna, *supra* note 11, at 6; Natarajan v. Ashimbai, AIR 2008 SC 363.

<sup>17</sup> George S. K., *Grounds for Rejection of Plaint in India*, 7 CT. UNCOURT 34 (2020).

<sup>18</sup> V.G. Ramachandran, *The Code of Civil Procedure by A.N. Saha*, 21 Journal of the Indian Law Institute, 600-607, (1979).

*II Rule 2* of the CPC states that to institute a civil suit, the cause of action must be mentioned within the plaint and a person cannot be charged for the same cause of action twice. A civil lawsuit cannot be filed if there is no cause of action. The cause of action is crucial since it reveals the factual foundation that compelled the plaintiff to file a lawsuit. The court only needs to look at the plaint's content when it decides the question of acceptance or rejection of a plaint<sup>19</sup>. The court has to distinguish between a real cause of action and an illusory cause of action that is crafted by clever drafting.

Notably, various judicial decisions have attempted to define the phrase "cause of action," with a variety of findings. In *Bloom Dekor Ltd. v. Subhash Himatlal Desai & Ors*<sup>20</sup>, the court stated that "cause of action would mean *every fact which, if contested, the plaintiff would necessarily need to substantiate to prove his right to a court judgement*". Further in *Om Prakash Srivastava v. Union of India and Anr.*<sup>21</sup>, contrasting to the prior judgement, the court offered a more precise and expansive view.

In *Church of Christ Charitable Trust v. M/S. Ponniamman Educational Trust*<sup>22</sup>, the court emphasized on the need of establishing the cause of action for the plaintiff to succeed in his lawsuit. In consonance to the same, the court in *Raj Narain(dead) L. Rs. v. Lakshmi Devi*<sup>23</sup>, expressly stated that a plaint was more likely to be dismissed if it did not disclose expressly the cause of action and thus, the right to sue.

Hence, it is imminent to note that among the plethora of cases involving appeals, revision petitions and fresh plaints, appeal *Samar Singh v. Kedar Nath Alias K.N. Singh & Ors.*<sup>24</sup>; revision petition *K. Thakshinamoorthy v. State Bank of India*<sup>25</sup>; plaint *S.M.P. Shipping Services Pvt. Ltd. v. World Tanker Carrier Corporation*<sup>26</sup> are some cases where the courts rejected the plaints for the lack of cause of action and thus, lack of a right to sue.

The cause of action is essential for establishing the legal foundation for filing a lawsuit, including appeals and revision petitions as well as new plaints. This gives courts the right to reject a plaint based on this standard, highlighting its significance throughout all levels of judicial processes.

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<sup>19</sup> Abdulla Bin Ali v. Galappa, (1985) 2 SCC 54; Saleem Bhai v. State of Maharashtra, *supra* note 11, at 6.

<sup>20</sup> Bloom Dekor Ltd. v. Subhash Himatlal Desai & Ors., 1994 SCC (6) 322.

<sup>21</sup> Om Prakash Srivastava v. Union of India, (2006) 6 SCC 207.

<sup>22</sup> Church of Christ Charitable Trust v. M/S. Ponniamman Educational Trust, AIR 2012 SC 3912.

<sup>23</sup> Raj Narain(dead) LRs. v. Lakshmi Devi, (2002) 10 SCC 501.

<sup>24</sup> Samar Singh v. Kedar Nath Alias K.N. Singh & Ors., AIR 1987 SC 1926.

<sup>25</sup> K. Thakshinamoorthy v. State Bank of India, AIR 2001 Mad 167.

<sup>26</sup> S.M.P. Shipping Services Pvt. Ltd. v. World Tanker Carrier Corporation, AIR 2000 Bom 34.

***(B) Relief claimed is undervalued [Order VII Rule 11(b)]***

As per *Order VII Rule 11(b)*, if the compensation being demanded by the plaintiff is lesser than the requisite, the court shall reject the plaint. The remedy is to amend the claim within the court's allotted timeframe or file a new complaint in accordance with *Order VII Rule 13*. In failure to do so, the plaint shall stand rejected<sup>27</sup>. In extraordinary circumstances, the court may grant extra time for rectification of claim. *Order VII Rule 7* additionally states that a plaint must expressly contain the relief claimed.

In *Meenakshi Sundaram Chettiar v. Venkatachalam Chettiar*<sup>28</sup>, the court stated that the evaluation of relief sought shall be objective in nature and shall be based on the plaint only. Additionally, in *Commercial Aviation & Travel Company & Ors. v. Vimal Pannalal*<sup>29</sup>, the court stated that reliance shall be based on the documents and evidence that are readily available while determining the worth of the relief that is requested in the plaint. Undervaluing the plaint violates the court fee rules and interferes with the court's pecuniary jurisdiction.

It is of significance to note here that if the plaintiff omits any relief that he was entitled to sue, he shall not be granted such relief at a later stage.

***(C) Plaint is insufficiently stamped [Order VII Rule 11(c)]***

A vital component of legal procedures is the correct stamping of a plaint, which is governed by the Indian Stamp Act of 1899. By recognizing poorly stamped plaints as grounds for rejection, *Rule 11(c)* protects state interests. If the plaint is written upon a paper that is insufficiently stamped and the plaintiff fails to pay the requisite court fees within the fixed time period, the plaint shall stand rejected. Similar to the undervaluation of plaints, the courts possess the discretion to provide the plaintiff with additional time to rectify the stamp-related errors.

In *Mannan Lal v. Chhotaka Bibi*<sup>30</sup>, the court stated that if within the fixed or extended time period, the plaintiff pays the requisite court fees, the suit shall be treated as instituted from the date of presentation of plaint.

In *Midnapore Zamindary Co. v. Secretary of State*<sup>31</sup>, the court asked the plaintiff to supply the amended plaint with the duly stamped paper and on his failure to do so, the court rejected the plaint and directed the plaintiff to pay an extra amount of court fees.

On another note, it is stated that if the plaintiff is unable to pay the court fees, he may apply to

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<sup>27</sup> Murti Sri Sheoji Bhagwan v. M/s Hindalco, Renukoot, Mirzapur, 1997 (30) ALR 134.

<sup>28</sup> Meenakshi Sundaram Chettiar v. Venkatachalam Chettiar, 1979 SCR (3) 385.

<sup>29</sup> Commercial Aviation & Travel Company & Ors. v. Vimal Pannalal, (1988) AIR 1636.

<sup>30</sup> Mannan Lal v. Chhotaka Bibi, (1970) 1 SCC 769.

<sup>31</sup> Midnapore Zamindary Co. v. Secretary of State, AIR 1938 Cal 804.

continue the said suit as an indigent person<sup>32</sup>.

***(D) Suit is barred by Law [Order VII Rule 11(d)]***

If the suit appears from the statements in the plaint to be barred by any law, the court will reject the plaint.

In *Sasan Power Ltd. v. North American Coal Corpn. (India) (P) Ltd.*<sup>33</sup>, it was stated that the court is suo motto bound to consider whether a suit filed is barred by any law irrespective of the parties' raising such questions.

In *Bhagchand Dagdusa Gujrathi v. The Secretary of State for India (1927)*<sup>34</sup>, the court stated that the plaint shall be rejected since it lacked the mandatory prior notice required under Section 80 of CPC. In a contrasting opinion in *B.L. Chopra v. Punjab State*<sup>35</sup>, the court stated that if the plaintiff was pleading a waiver of the said notice, the court cannot reject the plaint without giving the plaintiff the opportunity to establish the fact.

If a plaint expressly shows that it is barred by the Law of Limitations, it can be rejected<sup>36</sup>. However, in *Arjan Singh v. Union of India*<sup>37</sup>, the court stated that if the question of limitation was connected with the merits of the case, the matter shall be decided along with other issues. It is crucial to understand that a combination of legal principles and factual elements go hand-in-hand into calculating the limitation period.

**Mixed Question of Law and Fact-**

*Rule 11(d)* deals with the rejection of a plaint in situations when it is barred by statutes. However, the court does not dismiss the plaint when the decision involves a "*mixed question of law and fact.*" This is due to the fact that such disputes call for a thorough evaluation of all available information and cannot be decided only on the basis of the plaint. Therefore, complaints are not disregarded in these circumstances<sup>38</sup>.

In *Srihari Hanumandas Totala v. Hemanth Vithal Kamat & Ors.*<sup>39</sup>, the court explored the question- whether res judicata can be a reason to reject a plaint. The court laid down the following four points-

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<sup>32</sup> Civil Procedure Code, 1908, Order 33, Act no. 5 of 1908; Tisha Roy, *Civil Procedure Code: Order XXXIII: Suits by Indigent Person*, 5 INDIAN J.L. & LEGAL Rsch. 1 (2023).

<sup>33</sup> *Sasan Power Ltd. v. North American Coal Corpn. (India) (P) Ltd.*, (2016) 10 SCC 813.

<sup>34</sup> *Bhagchand Dagdusa Gujrathi v. The Secretary of State for India*, (1927) 29 BOMLR 1227.

<sup>35</sup> *B.L. Chopra v. Punjab State*, AIR 1961 P H 150.

<sup>36</sup> *Gangappa Gurupadappa v. Rachawwa*, (1970) 3 SCC 716.

<sup>37</sup> *Arjan Singh v. Union of India*, AIR 1987 Del 165.

<sup>38</sup> *Narne Rama Murthy v. Ravula Somasundaram*, (2005) 6 SCC 614.

<sup>39</sup> *Srihari Hanumandas Totala v. Hemant Vithal Kamat*, *supra* note 10, at 6.



1. The prior suit has been decided.
2. The issues in the current suit significantly overlap the issues in the previous suit.
3. The prior suit involved the same parties or those from whom relief is sought under the same title.
4. The issues were successfully settled by a competent court.

***(E) Complaint is not filed in duplicate [Order VII Rule 11(e)]***

*Order IV Rule 1(1)* of CPC states that the plaint has to be filed in an original and a duplicate copy, and as per *Order VII Rule 11(e)* failure to meet the above said criteria shall result in the court rejecting the plaint. One copy serves as proof for the court and the same copy is presented to the defendant when required. This is done to avoid any potential future disputes between the parties and the court. This emphasizes how crucial it is to follow the rules of procedure during institution of a lawsuit.

***(F) Non-compliance with statutory provisions [Order VII Rule 11(f)]***

Additionally, *Order VII Rule 11(f)* states that a plaintiff's plaint may be rejected if they do not follow the provisions laid down in *Order VII Rule 9* of CPC. The procedure to be followed after the plaint is admitted is outlined in *Order VII Rule 9*, which requires the plaintiff to provide a list of documents together with the necessary number of copies as directed by the court.

***(G) Other provisions for Rejection***

The grounds for rejection of a plaint as underlined in *Order VII Rule 11* are not exhaustive in nature. The courts as per their discretion if deemed necessary and fit<sup>40</sup>, can reject a plaint outside the purview of *Order VII Rule 11*.

In *Radakishen v. Wali Mohammed*<sup>41</sup>, the court stated that if the plaint has been signed by someone who is not authorized by the plaintiff and the said defect is not rectified within the time guaranteed by the court, the plaint can be rejected.

Further, in *T. Arivandandam v. T.V. Satyapal*<sup>42</sup>, the court expressly stated that if the plaint appeared to be vexatious and meritless in nature with no clear right to sue, the court can reject the plaint on this ground. This judgement also stands in consonance with *Order VII Rule 11(a)* where a plaint not disclosing a cause of action and thus, a right to sue shall be rejected.

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<sup>40</sup> Sanjeev Kumar Choudhary, Evaluation of the Rationale of Denying Res Judicata as a Ground for Rejection of Plaint, 4 INDIAN J.L. & LEGAL Rsch. 1 (2022).

<sup>41</sup> Radakishen v. Wali Mohammed, AIR 1956 Hyd 133.

<sup>42</sup> T. Arivandandam v. T.V. Satyapal, (1977) 4 SCC 467.

## V. CONCLUSION AND RECOMMENDATIONS

In conclusion, CPC is the cornerstone of civil litigation in India and necessitates a thorough understanding of its principles. *Order VII Rule 11* firmly commands the court to reject a plaint in listed circumstances while requiring open disclosure of the justification.

It's crucial to understand that a rejected complaint doesn't represent an impassable challenge for the plaintiff. They still have the right to resubmit their application on the same justifications.

A lawsuit begins with a plaint, and the CPC gives Indian Civil Courts a comprehensive procedural road map. As ruled in *T. Arivandantan v. Satyapal*<sup>43</sup>, where the court has the ability to examine the plaint's validity during the initial hearing, *Order VII Rule 11* restricts rejections to situations when the claim appears legally indefensible.

While factual and legal underpinnings are frequently prioritized by litigants, a case may be rejected if little attention is paid to prayers and the maintainability of remedies. A thorough examination of the relevant legislation and the viability of remedies is essential to avoiding such errors.

It is crucial to understand the court's viewpoint on the complaint, the cause of action, and the requested remedies during the initial hearing on the application. Plaintiffs still have the option to take corrective action to avoid having their complaint rejected. In simple words, strengthening the argument, formulating precise petitions, assuring maintainable solutions, and grasping the nuances of the CPC are the key measures since perseverance is essential for success. Stay updated on judicial interpretations, academic publications and legal commentaries for in-depth analysis and compare CPC with international regulations to track viable legal changes in CPC via amendments.

Finally, it is advised that litigants approach the CPC with rigorous attention to detail and a thorough comprehension of the code. To ensure the unhindered course of legal procedures, diligence is essential at the outset and throughout early hearings.

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<sup>43</sup> T. Arivandantan v. Satyapal, *supra* note 38, at 13.

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12. Order VII Rule 11(c)
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14. Order VII Rule 11(e)
15. Order VII Rule 11(f)
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