Rejection of plaint under Order 7, Rule 11 CPC

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1. **Objection for rejection of plaint under Order 7, Rule 11 CPC should be raised as early as possible:** Power to summarily reject the plaint under Order 7, Rule 11 CPC can be exercised by the Court at the threshold of the proceedings and this power is also available thereafter in the absence of any restrictions statutorily placed. However, a preliminary objection as to the rejection of plaint should be raised as early as possible, though the power of the court to consider the same at a subsequent stage is not taken away. See:

   (i) Vithalbhai (P) Ltd Vs. Union Bank Of India, (2005) 4 SCC 315.
   (ii) Samar Singh Vs. KedarNath, 1987 suppl. SCC 663.

2. **Order 7, Rule 11 (d) CPC applies only where the statement as made in the plaint without any doubt or dispute shows that the suit is barred by any law:** Order 7, Rule 11 (d) CPC applies only where the statement as made in the plaint without any doubt or dispute shows that the suit is barred by any law in force. It does not apply in case of any disputed question. Rejection of the plaint under Oder 7, Rule 11 CPC does not preclude the plaintiff from presenting a fresh plaint in terms of Rule 13 of Order 7 CPC. Order 7, Rule 11 CPC is applicable at any stage of the suit subject to above position of law. Order 7, Rule 11 CPC even casts a duty on the court to perform its obligations in rejecting the plaint when the same is hit by any of the infirmities provided in the four clauses of Order 7, Rule 11 CPC even without the intervention of the defendant. See:

   (i) Popat and Kotecha Property Vs. State Bank of India staff Association, (2005) 7 SCC 510.
   (ii) Sopan Sukhder Cable Vs. Assistant Charity Commissioner, (2004) 3 SCC 137
   (iii) Saleem Bhai Vs. State of Maharashtra, (2003) 1 SCC 557
   (iv) ITC Ltd. Vs. Debt Recovery Appellate Tribunal, (1998) 2 SCC 70
   (v) T. Arivandandandam Vs. T.V.Satyapal, (1977) 4 SCC 467
   (vi) Rooplal Sathi Vs. Nachhattar Singh Gill, (1982) 3 SCC 487
   (vii) Raptakos Brett & Co. Ltd. Vs. Ganesh Property, (1998) 7 SCC 184.
   (viii) Bruce Vs. Odham Press Ltd., (1936) 1 KB 697.

3. **While dealing with an application for rejection of plaint under Order 7, Rule 11 CPC, Court cannot go into disputed question of fact:** While dealing with an application for rejection of plaint under Order 7, Rule 11 CPC, Court cannot go into disputed question of fact

but while granting temporary injunction under Order 39, Rules 1 & 2 CPC, Court can do so. See: M. Gurudas Vs. Rasaranjan, (2006) 8 SCC 367.

4.1 **Limitation generally being a mixed question of law and fact, plaint cannot be rejected u/o 7, rule 11(d) CPC:** Limitation generally being a mixed question of law and fact, plaint cannot to be rejected u/o 7, rule 11(d) CPC. Disputed questions of law and fact cannot be decided at the time of considering an application filed under Order 7, rule 11 (d) CPC. Framing an issue of limitation and taking of evidence to decide such an issue would be proper. See:

(i) Urban Infrastructure Real Estate Fund Vs. Neelkanth Realty Private Limited, (2026) 4 SCC 166 (Paras 105,106, 108)
(ii) Ramesh B Desai Vs. Bipin Vadilal Mehta, (2006) 5 SCC 638 (Para 14)
(iii) Popat and Kotecha Property Vs. SBI Staff Association, (2005) 7 SCC 510 (Para 10)

4.2 **Plaint not to be rejected at the outset under Order 7, Rule 11 CPC as barred by limitation if the question of limitation appears to be a mixed question of law and fact:** When limitation is a pure question of law and is visible from the pleadings itself, it becomes clear that the suit is barred by limitation. Then, of course, it is the duty of the court to decide the question of limitation at the outset even in the absence of a plea. But where the question of limitation is a mixed question of fact and law out of the suit and it does not appear to be barred by law on the face of it, then the issue of limitation has to framed and proved. See: Narne Rama Murthy Vs. Ravula Somasundaram (2005) 6 SCC 614.

4.3 **Plea of Res Judicata to reject plaint cannot be raised in an application moved under Order 7, Rule 11 CPC prior to trail:** Plaint cannot be rejected by Court prior to trial on an application moved under Order 7, Rule 11 CPC on the ground of Res Judicata. Plea of Res Judicata cannot be decided on an application filed under Order 7, Rule 11 CPC for rejection of plaint. Res Judicata is an issue to be decided in trial and cannot be summarily decided in an application seeking rejection of plaint under Order 7, Rule 11 CPC. See:

(i) Pandurangan versus T. Jayarama Chettiar, (2025) 10 SCC 279 (Para 7)
(ii) Keshav Sood versus Kirti Pradeep Sood, 2023 SCC OnLine SC 2459 (Paras 5 & 6)

4.4 **Presumption of knowledge of execution of document from date of its registration for purposes of rejection of plaint under Order 7 , rule 11 CPC:** When a document is required by law to be registered and is got registered, then the whole world comes to know (by way of constructive notice) about the execution and registration of such document from the date of its registration. Referring to Explanation I to Section 3 of the Transfer of Property Act, 1882, it has been held by the Supreme Court that knowledge of execution and registration of such document for purposes of limitation starts from the date of its registration. Plaint can be rejected by the court under Order 7, rule 11 CPC ,if it is found to be barred by limitation. See:

(i). Uma Devi Vs. Anand Kumar, (2025) 5 SCC 198 (Para 13)

(ii). Suraj Lamp & Industries (P) Limited Vs. State of Haryana, (2012) 1 SCC 656 (Paras 15 &17)

5. Rejection of plaint under Order 7, Rule 11(b) CPC proper if the plaintiff failed to correct the valuation clause within time fixed by Court: Where the plaintiff had failed to correct the valuation and amend the plaint within the time fixed by the Court and subsequent application of the plaintiff seeking amendment of the plaint was also rejected by the court, it has been held by the Hon'ble Allahabad High Court that the Court committed no error in rejecting the plaint under Order 7, Rule 11(b) CPC and also in rejecting the amendment application moved by plaintiff. See: Murti Sri Sheoji Bhagwan Vs. M/s Hindalco, Renukoot, Mirzapur, 1997 (30) ALR 134 (All)

6. Only the averments in the plaint, and not the averments of the written statement, can be seen at the stage of deciding application under Order 7, Rule 11 CPC: While deciding to accept or reject the plaint under Order 7, Rule 11 CPC, what can be seen by the Court is only the averments made in the plaint. Defence in written statement of the defendant cannot be looked into. See:

(i).Chhotanben Vs Kirtibhai Jaikrushnabhai Thakkar, (2018) 6 SCC422 (Para 15) (Three-Judge Bench)

(ii) Saleem Bhai Vs. State of Maharashtra, (2003) 1 SCC 557
(iii) T. Arivandandandam Vs. T.V.Satyapal, (1977) 4 SCC 467

7.1. Plaint not to be generally rejected under Order 7, Rule 11(d) CPC for want of cause of action: Plaint cannot be rejected generally at the very outset under Order 7, Rule 11(d) CPC for want of cause of action. See: S. Valliammai Vs. S. Ramanathan, (2026) 7 SCC 482

7.2. Defect of misjoinder of parties and causes of action cannot be a ground for rejection of plaint under Order 7, Rule 11(d) CPC: Defect of misjoinder of parties and causes of action cannot be a ground for rejection of plaint under Order 7, Rule 11(d) CPC. See: Prem Lala Nahata Vs.Chandi Pol. Sikaria, AIR 2007 SC 1247

8. Plaint cannot be rejected at the outset under Order 7, Rule 11(d) CPC on the ground of doubtful boundaries of the land : In the case noted below, a plea of limitation was raised by the defendant for rejection of plaint under Order 7, Rule 11(d) CPC. The suit was filed by the plaintiff for declaration of title, possession and injunction based on sale-deed alleging that the defendant was a trespasser. The defendant disputed the boundaries of the suit land on the ground that they were different in the plaint and the sale-deed. It was held by the Hon'ble Supreme Court that such a question is a question to be considered at the trial and the plaint cannot be rejected on such ground at the outset under Order 7, Rule 11(d) CPC. See: Natarajan Vs. Ashimbai, AIR 2008 SC 363.

9. Under Order 7, Rule 11 CPC read with Order 14, Rule 2 CPC, civil court has power to decide its own jurisdiction and the question of maintainability of the suit: Order 7, Rule 11 CPC read with Order 14, Rule 2 CPC empowers civil court to decide its own jurisdiction

and the question regarding maintainability of the suit. The court is also competent to decide as to whether the suit is barred by estoppel or res-judicata. See: Thirumala Tirupati Devasthanam Vs. Thallappaka Ananthacharyu, (2003) 8 SCC 134

10. Once a plaint is rejected u/o 7, rule 11 CPC, the only remedy is to file a fresh plaint within the parameters of Order 7, rule 13 CPC: After rejection of the plaint under Order 7, rule 11 CPC, presenting the same plaint before appropriate court does not arise. Only a fresh plaint can be filed before the competent court**.** See: Future Sector Land Developers Private Limited Vs Bagmane Developers Private Limited, (2023) 5 SCC 368

11. **Return of plaint for want of pecuniary jurisdiction:** Return of plaint is not the sole remedy under Order 7, rule 10 CPC when the court lacks pecuniary jurisdiction. District Judge can transfer the suit to other court under Section 24(5) of the CPC. See: Judgment dated 29.7.2026 of the Allahabad High Court passed by Dr Justice Yogendra Kumar Srivastava

12**.** **Applications u/o 7, rules 10 & 11 CPC cannot be allowed simultaneously**: Two applications, one under Order 7, rules 10 and other one under Order 7, rule 11 CPC cannot be allowed simultaneously. See: Future Sector Land Developers Private Limited Vs Bagmane Developers Private Limited, (2023) 5 SCC 368

13. **High Court cannot exercise its powers under Article 227 of the Constitution for rejection of plaint:** As specific provisions under Order 7, rule 11 and Order 6, rule 16 CPC are available for rejection of plaint, High Court cannot exercise its powers under Article 227 of the Constitution for rejection of plaint. See: P. Suresh Vs. D. Kalaivani, (2026) 7 SCC 644 (Para 41)

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