

“The doctrine of competency of court under order 7 rule 10 CPC. The power to reject a plaint at the threshold under order 7 rule 11 CPC - A judicial duty or discretionary power.”



under the guidance of

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Submitted by- District and Session Court Surajpur

**District and Session Court
Surajpur, Chhattisgarh**

The doctrine of competency of court under order 7 rule 10 CPC. The power to reject a plaint at the threshold under order 7 rule 11 CPC- A judicial duty or discretionary power.

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जिला एवं सत्र न्यायालय सूरजपुर (उ.ग.)

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CHAPTER I

“Judges must never forget that every law has a social purpose and engineering process without appreciating which justice to the law cannot be done.”

JUSTICE V.R. KRISHNA IYER

Chairman, Board of Mining Examination and Anr. v. Ramjee 1977 (2) SCC 256

INTRODUCTION

The code of civil procedure, 1908 lays down the procedural framework governing civil suits in India. The administration of justice is founded on the principle that every case must be tried by a court of competent jurisdiction. A judgement delivered by a court without jurisdiction is void and unenforceable by law. This idea forms the basis of the doctrine of competency of court, which is embodied in order VII rule 10 of the code of civil procedure. The rule provides that a plaint is filed in a court that lacks jurisdiction, it must be returned to the plaintiff to be presented before the proper court.

One of the most significant provisions ensuring judicial efficiency and preventing misuse of the process of law is order VII rule 11, which empowers a court to reject a plaint at the threshold. This provision acts as a procedural safeguard to insure that only legally sustainable claims are allowed to proceed to trial.

A key question arises is whether this power of rejection is discretionary allowing the court to decide whether to exercise it or whether it is a judicial duty, making it mandatory for the court to reject the plaint once the statutory conditions are met. Judicial pronouncements have consistently lean towards the later interpretation.

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CHAPTER II

DOCTRINE OF COMPETENCY OF COURT UNDER ORDER 7 RULE 10 OF CPC.

Suits after institution in a court loses the jurisdiction due to various reasons. The court without proper jurisdiction cannot try the suit anymore. So, the plaint must be returned to the court having competent jurisdiction. According to order VII rule 10, plaint can be returned to a court of competent jurisdiction at any stage of the case if there is a defect in the jurisdiction.

When a plaint is written under order VII rule 10 for the defect in jurisdiction, the suit returned cannot be continued and it should be filed a fresh suit in the new court. “A DE NOVO” trial. So, what about this stage the suit might be in if there is lack of jurisdiction and the plaint it's returned, the suit has to be tried from the beginning.

The grounds on which the court shall return the plaint are as follows:

1. Territorial jurisdiction: refers to the fact that plaint is filed in a court that does not have territorial jurisdiction to adjudicate the matter, the court is mandated to return the plaint to the plaintiff for re-filing in appropriate court.
2. Peculiar jurisdiction: refers to the fact that jurisdiction of a court based on the valuation of the suit's subject matter.
3. Subject matter jurisdiction: refers to the fact that jurisdiction is based on the particulars stated in the plaint including the cause of action and the relief sought.

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OBJECT AND PURPOSE

The object of Order VII Rule 10 is to ensure that no court shall without jurisdiction should entertain or decide a suit. The plaintiff should not be penalised for filing suit in a wrong forum. Instead, the plaint must be returned for presentation to the correct court. Judicial time should not be wasted on proceedings that are void ab initio. The integrity of the legal process is maintained by ensuring that judicial norms are strictly followed.

The process for returning the plaint is dependent upon two factors:

1. If the court determines that it has no jurisdiction to hear the case and the plaint must be returned for lack of jurisdiction. In this circumstance under Order VII Rule 10 (2) of CPC mandates the return of plaint and endorse the brief reasons and particulars on the plaint-
 - The date on which the plaint was presented.
 - The date on which the court is returning the plaint,
 - The information of the parties that submitted the plaint and,
 - The reasons why the court returned the complaint.
2. If the court determines that it has no jurisdiction to hear the case but defendant has appeared then the mandate procedure of Rule 10A shall be followed

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STATUTORY PROVISIONS

Order VII Rule 10

Return of plaint.—(1) Subject to the provisions of rule 10A, the plaint shall at any stage of the suit be returned to be presented to the Court in which the suit should have been instituted.

[*Explanation.*— For the removal of doubts, it is hereby declared that a Court of appeal or revision may direct after setting aside the decree passed in a suit, the return of the plaint under this sub-rule.]

(2) **Procedure on returning plaint.** —On returning a plaint, the Judge shall endorse thereon the date of its presentation and return, the name of the party presenting it, and a brief statement of the reasons for returning it.

Rule 10A.

Power of Court to fix a date of appearance in the Court where plaint is to be filed after its return.—(1) Where, in any suit, after the defendant has appeared, the Court is of opinion that the plaint should be returned, it shall, before doing so, intimate its decision to the plaintiff.

(2) Where an intimation is given to the plaintiff under sub-rule (1), the plaintiff may make an application to the Court—(a) specifying the Court in which he proposes to present the plaint after its return, (b) praying that the Court may fix a date for the appearance of the parties in the said Court, and (c) requesting that the notice of the date so fixed may be given to him and to the defendant.

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(3) Where an application is made by the plaintiff under sub-rule (2), the Court shall, before returning the plaint and notwithstanding that the order for return of plaint was made by it on the ground that it has no jurisdiction to try the suit,— (a) fix a date for the appearance of the parties in the Court in which the plaint is proposed to be presented, and (b) give to the plaintiff and to the defendant notice of such date for appearance.

(4) Where the notice of the date for appearance is given under sub-rule (3),— (a) it shall not be necessary for the Court in which the plaint is presented after its return, to serve the defendant with a summons for appearance in the suit, unless that Court, for reasons to be recorded, otherwise directs, and (b) the said notice shall be deemed to be a summons for the appearance of the defendant in the Court in which the plaint is presented on the date so fixed by the Court by which the plaint was returned.

(5) Where the application made by the plaintiff under sub-rule (2) is allowed by the Court, the plaintiff shall not be entitled to appeal against the order returning the plaint.

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IF PLAINT IS RETURNED UNDER ORDER VII RULE 10 AND 10A OF CPC WHETHER THE SUIT SHALL PROCEED DE NOVO OR IT WILL CONTINUE FROM THE STAGE WHERE IT WAS PENDING?

In case of Joginder Tuli v. S.L. Bhatia, (1997) 1 SCC 502

Issue- On the basis of pecuniary jurisdiction of trial, court was beyond its jurisdiction and accordingly plaint returned for presentation to proper court and shall proceed from the stage at which the suit stood transferred to it.

The hon'ble two judges bench at the Supreme court held that "Normally, when the plaint is directed to be returned for presentation to the proper court perhaps it has to start from the beginning but in this case, since the evidence was already adduced by the parties, the matter was tried accordingly. The High Court had directed to proceed from that stage at which the suit stood transferred."

In case of ONGC v. Modern Construction & Co., (2014) 1 SCC 648; 2013 SCC

Online SC 924

Issue- Plaintiff entitled to interest from date of institution of second suit based on presentation of plaint before competent court and not from back date of filing suit before court which lacked jurisdiction, an institution of subsequent suit after return of plaint cannot be treated as continuation of previous suit. Plaintiff committed mistake in initially filing suit before a court which had no jurisdiction and the court also heard in receiving, registering and decreeing suit. Plaintiff cannot be permitted to take advantage of his own mistake and mistake of court.

The Hon'ble two judges bench at the Supreme court held that "If the court where the suit is instituted, is of the view that it has no jurisdiction, the plaint is to

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be returned in view of the provisions of Order 7 Rule 10 CPC and the plaintiff can present it before the court having competent jurisdiction. In such a factual matrix, the plaintiff is entitled to exclude the period during which he prosecuted the case before the court having no jurisdiction in view of the provisions of Section 14 of the Limitation Act, and may also seek adjustment of court fee paid in that court. However, after presentation before the court of competent jurisdiction, the plaint is to be considered as a fresh plaint and the trial is to be conducted de novo even if it stood concluded before the court having no competence to try the same.”

The above decisions by the Hon’ble two judges bench at the Supreme Court have given perceived conflict decision, therefore answering a reference the hon’ble three judges bench had overruled the oriental Insurance company case and held that it does not lay down the correct law.

In the case of EXL Careers v. Frankfinn Aviation Services (P) Ltd., (2020) 12 SCC 667; 2020 SCC Online SC 621

The Hon’ble three judges bench at the Supreme Court held that “Explaining the statutory scheme, the Court noticed that the language of Order VII Rule 10-A is in marked contrast to the language of Section 24(2) and Section 25(3) of CPC. In cases dealing with transfer of proceedings from a Court having jurisdiction to another Court, the discretion vested in the Court by Sections 24(2) and 25(3) either to retry the proceedings or proceed from the point at which such proceeding was transferred or withdrawn, is in marked contrast to the scheme under Order VII Rule 10 read with Rule 10-A where no such discretion is given and the proceeding has to commence de novo...”

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Contemporary Challenges and Judicial responses.

1. Preliminary issue on question on jurisdiction.

In the case of Sanjeev Kapoor v. Yogesh Tandon, 2025 SCC OnLine Chh 8115

The Hon'ble court held that a specific objection regarding jurisdiction either territorial or pecuniary, or subject-matter related has been raised by the defendant. In view of the said fact, and to avoid unnecessary delay and protracted litigation, it would be appropriate and in the interest of justice that the Trial Court frames a preliminary issue on the question of jurisdiction under Order 14 Rule 2(2)(a) CPC.

2. Only plaint averments should be considered.

In the case of M/s Meyer Apparel Ltd. Vs. M/s Panchanan International Private Limited bearing CM(M) 1511/2018

The Hon'ble court held that an application under Order 7 Rule 10 CPC is disposed of by considering the plaint only and not the written statement and therefore, the parameters for deciding such an application and for framing of issues are totally different.

3. Defendant can also file application under order VII rule 10 CPC.

Samiulla Saheb & Anr. v. Mohammed Sameer 2024 LiveLaw (Kar) 224

The Hon'ble court held that "The present application in the case at hand under Order VII Rule 10 of the CPC, is filed by the defendant. Though the Court does not reject the application on the said ground of it being filed by the defendant, since the

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submission is made, I have deemed it appropriate to consider the said submission and answer it holding that the defendant also has a right to file an application seeking return of the plaint under Order VII Rule 10 of the CPC, for want of jurisdiction of a particular Court, to try the suit. The submission that it is the right of the plaintiff only, stands repelled.”

CHAPTER III

THE POWER TO REJECT A PLAINT AT THE THRESHOLD UNDER ORDER VII RULE 11 CPC- A JUDICIAL DUTY OR DISCRETIONARY POWER.

Time of a court is very precious and therefore it has to be employed efficiently. The vexatious, fraudulent, and sham litigations not only waste the precious time of the court but also cause serious injustice to the other parties involved in the litigation. In order to avert such a situation to arise, rejection of plaint is one such instance which empowers the court to reject a plaint at the very threshold. Order VII Rule 11 of CPC governs the rejection of plaint. It is the duty of the Court to examine the plaint thoroughly and decide whether the plaint should be admitted or sent back for making amends to it.

A critical question, however arises regarding the nature of this power is discretionary or it is a judicial duty, to mandatory rejection of plaint when the statutory conditions are fulfilled. The power under this rule is mandatory because its purpose is to summarily dismiss a suit that is legally baseless or not maintainable, preventing wasted judicial time and resources on frivolous litigation.

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However, the plaint is bound to be rejected by the Court in the following circumstances discussed below in the paper.

STATUTORY PROVISIONS

Order VII Rule 11

States the Rejection of plaint.— The plaint shall be rejected in the following cases:—

- (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:

Provided that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp-paper shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp-paper, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff.

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Rule- 12

Procedure on rejecting plaint.—Where a plaint is rejected the Judge shall record an order to that effect with the reasons for such order.

Rule 13

Where rejection of plaint does not preclude presentation of fresh plaint.—The rejection of the plaint on any of the grounds hereinbefore mentioned shall not of its own force preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action.

OBJECT AND SCOPE

The Objective of Order VII Rule 11 is to ensure that only those civil suits which are founded on a legitimate cause of action and are compliant with procedural requirements are allowed to proceed. This rule helps courts assess whether a civil suits meets the essential criteria to justify a full hearing, thereby saving valuable time and resources for both the judiciary and the parties involved.

For plaintiffs, this provision acts as a reminder to file legally sound and properly constructed plaints. For defendants, it serves as protection against vexatious litigation where the claims are either inherently weak or procedurally defective. Additionally, the provision ensures that judicial time is not spent on cases where the outcome is predictable based on existing legal principles, such as when a suit is barred by law or when the plaintiff has not paid the correct court fee.

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By rejecting plaints that lack merit at the very beginning of litigation, Order VII Rule 11 helps maintain the integrity of the legal process and supports the efficient administration of justice. Its application ensures that courts focus on genuine disputes that deserve legal adjudication, thereby reducing delays and promoting a more streamlined judicial process.

Grounds on which plaints can be rejected.

A. Plaint does not disclose the cause of action.-

A cause of action refers to the legal grounds on which the plaintiff bases the claim for relief. For a plaint to be valid, it must clearly demonstrate the existence of facts that, if proven true, would entitle the plaintiff to legal remedy. In other words, the plaint must disclose the events or circumstances that led to the filing of the suit and provide sufficient detail to show how these facts give rise to a legal claim.

If a plaint fails to disclose a cause of action, it means that even if all the facts alleged by the plaintiff are accepted as true, they do not support a legal claim. In such cases, the court can reject the plaint outright under Order 7 Rule 11(a). For instance, if a plaint merely alleges wrongful conduct without explaining how it violated the plaintiff's legal rights, it may be rejected for not disclosing a cause of action.

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In the case of T. Arivandandam v. T.V. Satyapal (1977 SCC Online SC 286),

The Hon'ble Supreme Court emphasized that 'if a plaint does not disclose any cause of action, the court should act swiftly to reject it at the initial stage to prevent vexatious litigation. In this case, the court held that a suit with no real cause of action was filed to harass the defendants, and thus, the plaint was rejected.'

In the case of Church of Christ Charitable Trust v. M/S. Ponniamman Educational Trust (2012 SCC Online SC 1237),

The Hon'ble court made the observation that 'the cause of action is essential for the plaintiff to prove in order to succeed in the suit. Thus, a plaint that does not reveal/disclose the cause of action has no scope of succeeding and, thus, must be dismissed.'

In the case of Colonel Shrawan Kumar Jaipuridar v. Krishna Nandan Singh and another, (2020) 16 SCC 594 ; (2019 SCC Online SC 1358),

The Hon'ble court held that 'Cause of action means every fact which, if traversed, would be necessary for the plaintiff to prove in order to seek a decree and relief against the defendant. Cause of action requires infringement of right or breach of obligation and comprises of all material facts on which the right and claim for the breach is founded.'

In the case of Rajendra Bajoria and others Vs. Hemant Kumar Jalan and others, (2021 SCC Online SC 764),

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The Hon'ble court held that 'under Order VII Rule 11, the duty cast upon the court to determine whether the plaint discloses a cause of action, by scrutinising the averments in the plaint, read in conjunction with the documents relied upon, or whether the suit is barred by law.'

The court also added that underlying object of Order VII Rule 11 of CPC is that when a plaint does not disclose a cause of action, the court would not permit the plaintiff to unnecessarily protract the proceedings and it will be necessary to put an end to the sham litigation so that further judicial time is not wasted.

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.

The valuation of relief is crucial in determining the jurisdiction of the court and the court fees payable by the plaintiff. If the plaintiff undervalues the relief being claimed (i.e., assigns a lower monetary value than the actual worth of the claim), the court can direct the plaintiff to correct the valuation within a stipulated time frame. If the plaintiff fails to comply, the plaint may be rejected under Order 7 Rule 11(b). This ground ensures that plaintiffs do not manipulate the court system by undervaluing their claims to either reduce their court fees or to file in a court that otherwise would not have jurisdiction over a higher-value claim.

Herein, court is empowered to grant extra time to correct the error of undervaluation, and if the plaintiff doesn't correct even after that, then even in such a situation, by virtue of the proviso to Rule 11, court may further grant extra time in exceptional situations.

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In the case of Meenakshi Sundaram Chettiar v. Venkatachalam Chettiar, 1979 SCR (3) 385; 1979 SCC Online SC 149,

The Hon'ble court held that VII Rule 11 of CPC "casts a duty on the Court to reject the plaint when the relief claimed is undervalued. If on the materials available before it the Court is satisfied that the value of relief as estimated by the plaintiff in a suit for accounts is undervalued the plaint is liable to be rejected. It is therefore necessary that the plaintiff should take care that the valuation is adequate and reasonable taking into account the circumstances of the case."

In the case of Commercial Aviation & Travel Company & Ors. v. Vimal Pannalal (1988) AIR 1636.

The Hon'ble 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.'

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

Court fees are mandatory for instituting a suit, and the amount payable depends on the value of the relief sought by the plaintiff. Under Order 7 Rule 11(c), if the court finds that the plaintiff has paid insufficient court fees, it may require the

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plaintiff to make up the deficiency within a fixed time. If the plaintiff fails to do so, the court can reject the plaint.

This provision serves as a reminder of the importance of adhering to procedural requirements in filing a lawsuit. It ensures that plaintiffs cannot avoid their financial obligations to the court while seeking legal remedies.

On another note, it is stated that if the plaintiff is unable to pay the court fees, he may apply to continue the said suit as an indigent person.

In the case of Vinod Infra Developers Ltd. v. Mahaveer Lunia, 2025 SCC OnLine SC 1208

The Hon'ble court stated that "The position of law is that rejection of a plaint under Order VII Rule 11 CPC is permissible only when the plaint, on its face and without considering the defence, fails to disclose a cause of action, is barred by any law, is undervalued, or is insufficiently stamped. At this preliminary stage, the court is required to confine its examination strictly to the averments made in the plaint and not venture into the merits or veracity of the claims. If any triable issues arise from the pleadings, the suit cannot be summarily rejected. The law mandates that the plaintiff be afforded an opportunity to rectify such deficiency. Only upon failure to comply, can the plaint be rejected. "

In the case of Tajender Singh Ghambhir v. Gurpreet Singh, (2014) 10 SCC 702; 2014 SCC Online SC 741

The Hon'ble court stated that under the scheme of the above provision, 'it is the duty of court to determine as to whether or not court fee paid on plaint is

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deficient. On finding court fee to be deficient, court must first grant Time to plaintiff to pay the deficient court fee, if despite the said order of court the deficient court fee is not paid, it is only then plaint can be rejected.’

D. where the suit appears from the statement in the plaint to be barred by any law

A suit can be barred by law for various reasons, including statutory prohibitions, limitation periods, or principles such as res judicata (which prevents the same matter from being tried again once it has been adjudicated). Order VII Rule 11(d) empowers the court to reject a plaint when it appears, based on the plaintiff’s own statements, that the suit is barred by any existing law.

While considering an application under this rule there can be development of two situations-

- a) Plaint at the glance, outwardly reflects that it is barred by law.
- b) At instance the facts mentioned in the plaint cannot be adjudicated because there is mixed question of fact and laws.

In the case of Biswanath Banik v. Sulanga Bose, (2022) 7 SCC 731; 2022 SCC Online SC 314

The Hon’ble court stated that "Only in a case where on the face of it, it is seen that the suit is barred by limitation, then and then only a plaint can be rejected under Order VII Rule 11(d) CPC on the ground of limitation. At this stage what is required to be considered is the averments in the plaint. For the aforesaid purpose, the Court has to consider and read the averments in the plaint as a whole. Reading only few

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lines and passages and ignoring the other relevant parts of the plaint is impermissible."

In the case of Frost (International) Ltd. v. Milan Developers & Builders (P) Ltd., (2022) 8 SCC 633; 2022 SCC Online SC 394

The Hon'ble court stated that "On a holistic reading of the plaint and on consideration of the reliefs sought by the plaintiff, we find that the said reliefs are barred by law inasmuch as no plaintiff can be permitted to seek relief in a suit which would frustrate the defendants from initiating a prosecution against plaintiff or seeking any other remedy available in law."

In the case of Shri Mukund Bhavan Trust v. Shrimant Chhatrapati Udayan Raje Pratapsinh Maharaj Bhonsle, (2024) 15 SCC 675; 2024 SCC Online SC 3844

The Hon'ble court stated that "*The plaintiff has asserted that by government resolutions in 1980 and 1984 he has acquired the title over the properties. Therefore, as a prudent man, he ought to have initiated necessary steps to protect his interest. Having failed to do so and created a fictional date for cause of action, the plaintiff is liable to be non-suited on the ground of limitation...We have already held that the title claim of the plaintiff is barred by limitation and therefore, the claim for possession is also barred and consequently, the relief of recovery of possession is also hopelessly barred by limitation.*"

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E. Where plaint is not filed in duplicate.

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. where the plaintiff fails to comply with the provisions of rule 9

Where the Court orders that the summons be served on the defendants in the manner provided in rule 9 of Order V, it will direct the plaintiff to present as many copies of the plaint on plain paper as there are defendants within seven days from the date of such order along with requisite fee for service of summons on the defendants.

Order VII Rule 11 **Clauses (b), (c), (e), and (f)** address various procedural requirements essential for proper institution of civil suits. Clause (b) deals with undervaluation of relief claimed, while clause (c) addresses insufficient court fees. Clause (e) mandates filing of plaints in duplicate, and clause (f) requires compliance with Rule 9 regarding service of process.

These provisions reflect the legislature's intent to ensure compliance with basic procedural requirements while providing opportunities for plaintiffs to cure technical defects before rejection. The proviso to Rule 11 demonstrates judicial

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recognition of the need for flexibility in cases involving exceptional circumstances that prevent timely compliance.

CHAPTER IV

Contemporary Challenges and Judicial responses.

1. Whether plaint can be rejected partially.

In the case of Sejal Glass Limited v. Navilan Merchants Private Limited, AIR 2017 SC 4477; 2017 SCC Online SC 1000

The Hon'ble court held that if conditions mentioned under order VII rule 11 are fulfilled, entire plaint has to be rejected. However, where it appears that plaint cannot be proceeded with some part, but it can be proceeded in another part order VII rule 11 has no application.

In the case of Madhav Prasad Aggarwal & Anr. vs. Axis Bank ltd. & Anr. 2019 0 Supreme(SC) 870; 2019 (7) SCC 158

The Hon'ble court held that Indubitably, the plaint can and must be rejected in exercise of powers under Order 7 Rule 11(d) of CPC on account of noncompliance of mandatory requirements or being replete with any institutional deficiency at the time of presentation of the plaint, ascribable to clauses (a) to (f) of Rule 11 of Order 7 of CPC. In other words, the plaint as presented must proceed as a whole or can be rejected as a whole but not in part.

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2. At which stage plaint can be rejected.

In the case of Sopan Sukhdeo Sable & Ors. v. Assistant Charity Commissioner & Ors., (2004) 3 SCC 137; 2004 SCC Online SC 115

The Hon'ble court held that "The trial Court can exercise the power at any stage of the suit - before registering the plaint or after issuing summons to the defendant at any time before the conclusion of the trial. For the purposes of deciding an application under clauses (a) and (d) of Order VII Rule 11 of the Code, the averments in the plaint are the germane; the pleas taken by the defendant in the written statement would be wholly irrelevant at that stage."

3. If application of Order VII Rule 11 is pending, whether defendant can be asked to file written statement.

In the case of R. K. ROJA VS. U. S. RAYUDU AND ANOTHER. (2016) 14 SCC 275 ; 2016 SCC Online SC 682

The Hon'ble court held that "*There is no point or sense in proceeding with the trial of the case, in case the plaint is only to be rejected at the threshold. Therefore, the defendant is entitled to file the application for rejection before filing his written statement. In case, the application is rejected, the defendant is entitled to file his written statement thereafter. But once an application for rejection is filed, the court has to dispose of the same before proceeding with the trial,*"

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4. Only plaint averments should be examined while considering Application of Order VII Rule 11.

In the case of H.S. Deekshit v. Metropoli Overseas Ltd., 2022 SCC OnLine SC 2024

The Hon'ble court held that "It is well-settled that while considering an application under Order 7 Rule 11 of the Code, the averments in the plaint alone are to be examined and no other extraneous factor can be taken into consideration."

In the case of G. NAGARAJ vs B.P. MRUTHUNJAYANNA 2023 LiveLaw(SC) 322

The Hon'ble court held that "For dealing with an application under Rule 11 of Order VII of CPC, only the averments made in the plaint and the documents produced along with the plaint are required to be seen. The defence of the defendants cannot be even looked into. When the ground pleaded for rejection of the plaint is the absence of cause of action, the Court has to examine the plaint and see whether any cause of action has been disclosed in the plaint - Merely because there were some inconsistent averments in the plaint, that was not sufficient to come to a conclusion that the cause of action was not disclosed in the plaint. The question was whether the plaint discloses cause of action."

5. Clever drafting of plaint

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In the case of Ramisetty Venkatanna v. Nasyam Jamal Saheb, 2023 SCC OnLine SC 521

The Hon'ble court held that While deciding the application under Order VII Rule 11, mainly the averments in the plaint only are required to be considered and not the averments in the written statement . Plaint is ought to be rejected when it is vexatious, illusory cause of action and barred by limitation and it is a clear case of clever drafting.

6. Plaint cannot be rejected just because plaintiff is not entitled to any relief at threshold.

In the case of Gurdev Singh vs Harvinder Singh 2022 LiveLaw (SC)963

The Hon'ble court held that “The case on behalf of the petitioner is that the plaintiff is not entitled to any relief in the suit. The aforesaid cannot be a ground to reject the plaint at the threshold in exercise of powers under Order 7, Rule 11 CPC.”

7. Suo moto rejection of plaint-

In the case of Patil Automation Private Limited vs Rakheja Engineers Private Limited 2022 LiveLaw (SC) 678

The Hon'ble court held that In a clear case, where on allegations in the suit, it is found that the suit is barred by any law, as would be the case, where the plaintiff in a suit under the Act does not plead circumstances to take his case out of the requirement of Section 12A, the plaint should be rejected without issuing summons. Undoubtedly, on issuing summons it will be always open to the defendant to make

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an application as well under Order VII Rule 11. In other words, the power under Order VII Rule 11 is available to the court to be exercised Suo motu.

8. Mixed question of facts and law.

In the case of Narne Rama Murthy Vs. Ravula Somasundaram (2005) 6 SCC 614.

The Hon'ble court held that 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 be framed and proved.

In the case of Salim D. Agboatwala and others v. Shamalji Oddavji Thakkar and others

The Supreme Court has held that a plaint cannot be rejected under Order VII Rule 11(d) of the Code of Civil Procedure if the issue of limitation is a mixed question of law and fact.

9. Misjoinder of parties

In the case of Prem Lala Nahata & Anr vs Chandi Prasad Sikaria AIR 2007 SC 1247

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The Hon'ble court held that It is therefore necessary to see whether a suit bad for misjoinder of parties or of causes of action is excluded from consideration or is barred entry for adjudication. As pointed out already, on the scheme of the Code, there is no such prohibition or a prevention at the entry of a suit defective for misjoinder of parties or of causes of action. The court is still competent to try and decide the suit, though the court may also be competent to tell the plaintiffs either to elect to proceed at the instance of one of the plaintiffs or to proceed with one of the causes of action. On the scheme of the code of civil procedure, it cannot therefore be held that a suit barred for misjoinder of parties or of causes of action is barred by a law, here the Code.

10. Whether Order VII rules 10 & 11 CPC can be allowed simultaneously.

In the case of Future Sector Land Developers LLP v. Bagmane Developers (P) Ltd., (2023) 5 SCC 368

The Hon'ble court held that both such application cannot be simply allowed, as that would amount to contradiction. Only one of the two can be allowed.

In the case of Akshay Quenim v. Royce Savio Pereira, 2025 SCC OnLine Bom 3600

The Hon'ble court held that the Trial Court would be required to examine the plaint as it stood, and based upon the averments of the plaint, if it inherently lacked jurisdiction to take up the suit, it has to reject or return the plaint as the case may be without looking into the amendment; however, whilst doing so, the Trial Court may

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also look into the averments sought to be pleaded by way of amendment to test whether, if these averments were allowed to be incorporated, in the plaint as it originally stood, they would have the effect of conferring the jurisdiction on the Court dealing with the suit, which it otherwise lacked or that the amendment would assist the plaintiff to get over the bar of any law.

11. Res judicata and order VII rules 11 CPC

Plaint cannot be rejected at threshold, court should form preliminary issues.

In the case of Shihari hanumandas totala vs. Hemant vithal kamat and others 2021 SCC Online SC 565

The Hon'ble court held that plaint in subsequent suit cannot be rejected on the ground that it is barred by principle of Res judicata, at as same with require production of reading, issues, framed and judgement in previous suit, to compare it with present suit and that cannot be done for deciding an application under the order, as the adverse in the plaint itself may be considered at this stage.

CHAPTER VI

Conclusion

When a plaint is returned under Order VII Rule 10 CPC for presentation to the proper court, the proceedings before the wrong court are rendered void for want of jurisdiction. The transferee court, upon receiving the plaint, must try the suit *de novo* means afresh, because the earlier court's proceedings, evidence, and findings

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cannot be treated as valid or binding. This ensures that the suit is adjudicated by a court of competent jurisdiction in compliance with procedural fairness.

However, if the plaint is merely transferred under Section 24 or Section 25 CPC, the transferee court can continue from the stage left by the previous court since jurisdiction existed. Thus, a de novo trial is required only when the earlier court lacked jurisdiction and the plaint is returned under Order VII Rule 10, not when the case is transferred between competent courts.

For thorough understanding of its principles. *Order VII Rule 11* firmly commands the court to reject a plaint in specified circumstances while requiring open disclosure of the justification. As ruled in *T. Arivandantan v. Satyapal*, 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. It is crucial to understand the court's viewpoint on the plaints, 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 plaint 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.

Answer regarding the nature of this power conferred is not a discretionary power but a mandatory judicial duty, for rejection of plaint when the statutory conditions are met.