

C.P.C.: Order - 7

1. Rule-11: *Advelorem Court Fees*:- A plaint cannot be rejected on the ground that advelorem court fees have not been paid. | **19 DLR 268**
2. Rule-11: *No Cause of Action*: Rejection of plaint under-cause of action not declared- No plaint in the eye of law- **Fresh suit would lie.** | **20 DLR(WP) 113, 22 BLC 153, 5 LNJ 86**
3. Rule-11(c) with sec 149 : *Insufficient Court Fees*: It should have required the plaintiff to supply the **insufficient court fees and further grant him time to do so** under Order 7 Rule 11(c) read with sec 149. | **22 DLR(SC) 144, 11 BLD(HCD) 489**
4. Rule-14: In accordance with the said rule-14 if the documents are in the power of the plaintiff to produce they should, at last, be produce at or before the first hearing. | **25 DLR 62**
5. Rule-11: A plaint can be rejected at **any stage of the suit** even after its registration and after remand by the appellate court. | **1935 CAL 764, 1922 CAL 506, 9 ADC 55**
6. Rule-11: Court is competent to reject the plaint **at any stage of the suit**, but it should be done at the earliest opportunity to save the parties from unnecessary expenses and to avoid prolongation of the dispute. | **1 BLD(HCD) 361**
7. Rule-11: Plaintiff having disclosed a cause of action and accrued of interest in the suit property, the plaint cannot be rejected. | **2 BLD(HCD) 160**
8. Rule-11 with sec-151: For **specific performance of contract**- the learned judge invoked section 151 of the code, but the inherent power under the section **cannot be exercised on assumption and presumptions** of facts and or on suspicious. | **1 LM(AD) 341, 7 ALR(AD) 47**
9. Rule-11 with O-39 R-2(3): No application under order 7 rule 11 of this code lies in violation Misc. case filed under O-39 R-2(3) of the code inasmuch as such violation application can never be termed as a plaint. | **2 LNJ 492**
10. Rule-11(d) with S.R. Act sec-9 with Article- of the Limitation Act: A suit filed U/S-9 of the S.R. Act is governed by Article-3 of the Limitation Act. The suit having not been filed within 6 (six) months from the date of the dispossession, the plaint is liable to be rejected under rule-11(d). | **2 LNJ 599**
11. Rule-11 with sec-10: Although the court of settlement has a limited jurisdiction to look into whether a particular property answer to the definition of **abandon property or not** for purpose it has also jurisdiction to see whether the applicant has also locus standi to claim the to claim the property in question..... . In such suit, the court can also invoke its inherent power and reject the plaint. | **2 LNJ 314**
12. Rule-11: The ultimate result of the suit is as clear as daylight, the plaintiff should not be allowed to reopen the same matter afresh losing up to HCD. | **2 LNJ 164**
13. Rule-11: *Appealable Order*: No revision application lies U/S-115(2) of The C.P.C. against the order of rejection of plaint as it is an appealable order. | **2 LNJ 164**
14. Rule-11: *Frivolous and Vexatious*: The court cannot travel beyond the averments made by plaintiff in his plaint and also cannot take into account materials beyond his plaint to declare the case of the plaintiff as **frivolous and vexatious**. The court is not required to take into consideration the defense set up by the defendant in his written statement or written objection. | **10 BLC(AD) 8, 18 MLR(HCD) 49, 49 DLR 531, 49 DLR 234, 35 BLD(HCD) 431, 67 DLR 317**
15. Rule-11: Memo of appeal and plaint are not exactly the same things, the memo of appeal rejected under the provision of order 7 rule 11 of the code committed serious error of law. | **1 XP(AD) 139**
16. Rule-11: Limitation: The question of **limitation is mixed question of facts and law** and need to settled upon taking evidence, cannot be subject matter of order-7 rule-11 of the code. | **6 ALR(AD) 148, 2 XP(AD) 36, 1 ALR 25, 50 DLR(AD) 99, 67 DLR 208**
17. Rule-11 with sec-151: Inherent power: In a appropriate case circumstance **a court may applied has inherent power U/S-151 of the code** to reject the plaint even the matter is not within principle of order-7 rule-11. | **2**

18. Rule-11 with Limitation and Sec-11 of the C.P.C.: Whether the suit was barred by res-judicata and limitation the application of the order-7 rule-11 of the code be kept pending for consideration at the final hearing of the suit on the view that without taking evidence it could not be decided but the plaintiff as being barred by law as well as limitation, it is duty of the court to dispose of the said application without keeping same pending for decision at the preemptory hearing of the suit. | *2 XP 189, 7 BLC 583, 21 BLC 433*
19. Rule-3: **The description of the suit land must be specified by boundary**, without specification of the suit land is vague, unspecified and for this defect a suit is liable to be dismissed. | *21 BLC(AD) 81, 4 XP 48*
20. Rule-11: A plaint cannot be rejected under the following cause: i) **No-production of documents** by plaintiff ii) For the allegation of **vagueness in the schedule** iii) **Res-judicata and limitation** iv) Allegation of **written statement and defense material** as document. | *5 XP 121*
21. Rule-11: *Amend the plaint after filling a petition for rejection of plaint*: A plaint can be **amended** even after filling a petition Under this Rule. | *5 XP 121*
22. Rule-11: *Res-Judicata– After Framing Issue*: A plaint cannot be rejected under this rule as a question of re-judicata which decided after framing issue at the time delivery of judgment. | *6 XP(AD) 113, 2 ALR(AD) 202, 5 ALR(AD) 68*
23. Rule-11: *Without Taking Evidence*: A plaint cannot be rejected before trial court without taking evidence. | *6 XP(AD) 183, 65 DLR(AD) 300, 63 DLR 239, 67 DLR 259, 66 DLR(AD) 80, 66 DLR 658*
24. Rule-11 with sec-11 of C.P.C: *When plaint can be rejected Under Res-judicata with O-7 R-11*: Whether a suit is barred by principle of **res-judicata is a mixed question of law and fact**. Normally, the question of res-judicata cannot be decided without taking evidence. But when it is clearly found that over the self same land between the same parties, **a competent civil court had decreed** the title and the possession of the defendant petitioner in the suit land and the said decision having being subsequently **affirmed by the HCD**, the present suit must be held to be **barred by the principle of res-judicata** and the plaint is liable to be **rejected** under this order. | *35 BLD(HCD) 321, 3 ALR 41*
25. Rule-11: *Cause of Action and barred by Law*: When the plaint does not **disclose any cause of action or otherwise it is barred under any law**, the court may reject the plaint on the prayer of the defendant. While considering an application under this order, the court is not allowed to travel beyond the averments made in the plaint and the defendants contentious claims cannot be considered at the stage. | *3 ALR 92, 9 BLC(AD) 244, 47 DLR 143, 4 BLD 236, 11 BLD(AD) 66, 7 DLR(WP) 65, AIR 1961(BOM) 292, 2 ALR 359, 37 DLR 178, 11 BLD(HCD) 35, 38 DLR 438, 5 ALR(HCD) 370, 66 DLR 5*
26. Rule-11: *Res-judicata: Without Taking evidence*: The Principle of res-judicata is question of law and fact. But evidence is necessary to established the plea of res-judicata | **2 ALR(AD) 152, 2 ALR 99, 21 BLC 378, 5 LNJ 151, 20 BLD(AD) 82**
27. Rule-11: *Defect of Parties*: Defect of party is no ground for rejecting of the plaint as it can be cured any time by any way of amendment of plaint. The question of *Vicarious Liability* is a question of fact. The power to reject a plaint should not be exercised hastily without affording opportunity to the plaintiff to cure the defect or to amend the plaint. | *4 ALR(AD) 44, 66 DLR(AD) 80*
28. Rule-11: The principles of the O-7 R-11 are two folds:- (i) buried at its inception so that no further time consumed (ii) retrace his steps at earliest opportunity he may file properly constituted suit. | *5 ALR(HCD) 58*
29. Rule-11: *With Sec-151 of C.P.C and Sec-42 of S.R. Act.*: Very Nature of the claim that the decree has been obtained by practicing fraud upon the court without impleading the plaintiff presupposes the maintainability of the suit there are **disputed facts** which cannot be adjudicated upon without **recording evidence** . – Suit remanded. | *7 ALR(AD) 28*
30. Rule-11: *In a pre-emption*: This rule does not apply to application in **Pre-emption** cases. | *9 MLR(HCD) 380*
31. Rule-11: *In a Money Suit*: In a **money suit** the plaintiff show how he is affected and give details of damage in the plaint. When not specifically stated the plaint suffers from court of cause of action regarding ground for rejecting of plaint in **limine, vexatious and frivolous** suit must be nipped in the bud. | *7 MLR(HC) 132*
32. Rule-11: Plaint may be rejected on the grounds mentioned in rule-11 of the order and **not on any extraneous** consideration. | *9 MLR(AD) 369*
33. Rule-11: Though the plaint may be rejected at **any stage of the proceedings** on any of the grounds mentioned this rule, the steps for rejection of plaint should be taken **at the earliest opportunity**. | *7 MLR(AD) 135*
34. Rule-11: *Before filing Written Statement*: Rejection of plaint on ground of **maintainability** of the suit is not permissible before filling of **Written Statement**. | *11 MLR(AD) 58, 11 MLR(AD) 405, 64 DLR 487*

35. Rule-11: The plaint could be rejected on when the court comes to the conclusion that even if all the averments made in the plaint are taken to be true still then the **plaintiff would not be entitled to any relief at all.** | **50 DLR 29, 22 BLC 138**
36. Rule-11: *Barred by Law*: The question whether the plaint is liable to be rejected being **barred by law** must be apparent from the statement made in the plaint itself and **not from the Written Statement or any other material** other than that has been put in the plaint. | **57 DLR(AD) 18, 11 BLD(HCD) 312, 35 DLR 217, 11 MLR(AD) 313**
37. Rule-11: *Vagueness in the Schedule*: For alleged vagueness in the **schedule**, if any, the plaint is not liable to be rejected. | **58 DLR(AD) 245**
38. Rule-11: *Delaying Procedure*: Petition filed after 9 years of institution at the time of the P.H.– the application was given just delaying procedure– reject the application is correct. | **63 DLR(AD) 138**
39. Rule-11(c): *Deficit Court Fees Without Knowledge*: Plaintiff filed application U/S-151 of C.P.C. for vacating the order and restoring the suit to its file on ground of mis-placement of file in lower court and for his own indisposition. Trial court vacated the order of rejection of plaint and restored the suit to its file on payment of cost to defendant... .. | **12 BLD(AD) 71**
40. Rule-11: *Question of Jurisdiction*: Question of Jurisdiction does not come within the purview of Order-7 Rule-11 of the code.... .. | **12 BLD(AD) 247, PLD 1967(Dacca) 190, AIR 1947(Pat) 134, AIR 1933(Bom)179, 66 C.W.N 29, AIR 1943(Cal) 199(RP-202), AIR 1957(Mad) 201**
41. Rule-11(a): Courts duty in determining a cause of action. | **26 DLR 10**
42. Rule-11(d): *No Specification of Land in the Schedule*: In the former suit the trial court as well as the court of appeal categorically observed that the schedule of the plaint do not disclose any specification of the land in which the plaintiff sought for declaration of title. In the **unspecified** land no court can grant any relief to the plaintiff. | **21 BLC 433**
43. Rule-11: *With Sec-11 and Sec-151 of C.P.C.*: Plea of **res-judicata is a mixed question of law and facts**, therefore, the rule is not applicable for rejection of plaint. However the court can reject a plaint in exercise of inherent power U/S-151 if it is found that on the admitted facts that the plaint is otherwise barred by law. It can exercise its power to resolve a claim in order to prevent the abuse of the process of the court or to fill up the **lacuna** left by the legislator or where the legislation is unable to foresee any circumstances which may arise in a particular case. | **21 BLC(AD) 218**
44. Rule-11(d): *With Sec-21(a)(b) of S.R. Act*: The balance of consideration money is required to be deposited at time of filing of the suit and there is no scope for plaintiff to make deposit of balance consideration money the statutory period of limitation... .. | **36 BLD(HCD) 364**
45. Rule-11: *With Sec-115(2) of C.P.C and With Sec-54 of S.R. Act*: The plaintiff's tenancy agreement expired, they have no *locus standi* and cause of action to bring a suit for **Permanent Injunction** . | **35 BLD(HCD) 328, 23 BLT(HCD) 386**
46. Rule-11: *Rightless Person*: A right-less person cannot come to court with the plaint for disturbing another person in possession of suit land, even if he has no title. | **23 BLT(HCD) 552**
47. Rule-11(d): When the **decree** effective and alive – plaint rejected. | **23 BLT(HCD) 37**
48. Rule-11(d): Whether plaintiff's suit is maintainable even it is found that the relation between plaintiff and defendant Bank is that of master and servant. | **23 BLT(HCD) 156**
49. Rule-11(d): There is nothing on record to show that on the admitted facts as appearing from the plaintiff itself the suit is prima facie barred. The plaint cannot be rejected on that score. | **70 DLR 459**
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