



## **FACULTY OF JURIDICAL SCIENCES**

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Subject Name- Drafting, Pleading and conveyancing

**COURSE NAME- LLB, III Sem**

**SUBJECT CODE-LLB-303**

# **LECTURE THREE**

## Rejection of plaintiff

The Plaintiff shall be rejected in certain situations when requirements are not fulfilled. Some of the situations in which the plaintiff is rejected are as follows:

- The plaintiff is rejected in a case where the cause of action is not disclosed. If the cause of action is not disclosed then it is not possible to prove the damage caused to the plaintiff. To seek relief against the defendant, the facts need to be mentioned clearly. In the case of *Snp Shipping Service Pvt. Ltd. v. World Tanker Carrier Corporation*, the plaintiff was rejected and the suit dismissed under Order 7, Rule 1(a) of the C.P.C.,1908.
- The plaintiff is also rejected in a case where the plaintiff relief is undervalued and the plaintiff is requested by the court to correct the valuation within the given time frame but the plaintiff fails to do so.
- The plaintiff is rejected in a case where all the documents are not properly stamped and the plaintiff on being required by the court to supply the required stamp paper within a time to be fixed by court fails to do so.
- The plaintiff is mostly rejected due to the statement mentioned in the plaintiff secured by any law or statute that doesn't give any right to the plaintiff to file the suit.
- When a duplicate copy of the plaintiff is not submitted whereas it is mentioned that it is mandatory to submit the duplicate copy then in that condition plaintiff is liable to be dismissed.
- The plaintiff is rejected when the plaintiff fails to comply with the provisions of Rule 9 of Order VII of C.P.C.

### Provisions on the Rejection of Plaintiff under C.P.C.

As we have already said in what circumstances the plaintiff can be rejected and now what are the provisions that are related to the rejection of the plaintiff under Code of Civil Procedure. Some of the provisions regarding the rejection of a plaintiff are mentioned below:

1. Order VII Rule 12 of C.P.C states the procedure on rejecting the plaintiff so that it can be used as a precedent for future cases.
2. Order VII Rule 13 of C.P.C states that rejection of the plaintiff does not stop the presentation or filling of the fresh plaintiff.

Two modes which are mentioned to show the manner in which the plaint can be rejected:

1. The defendant has the right to file an application in the form of an interlocutory application at any stage of proceedings for the rejection of the plaint.
2. Suo moto (on its own): The meaning of the suo moto itself defines the way of rejection of the plaint. Suo moto rejection is under Order 7 Rule 11 which states Rejection of the plaint. A court can itself try a suit under Order 7 Rule 11 if the plaint fulfills the conditions discussed in the first point.

### MCQs-

i. Suo moto means-

- a. on its own
- b. at the plaint
- c. at the option

ii. A \_\_\_\_\_ notice is a formal written communication between the parties

- a. Action
- b. Legal
- c. Statutory
- d. Written

iii. Order 7 Rule 11 if the plaint fulfills the .....

- a. conditions
- b. agreements
- c. both
- d. none

iv. A court can itself try a suit under ..... if the plaint fulfills the conditions

- a. Order 7 Rule 1
- b. Order 7 Rule 11
- c. Order 7 Rule 16
- d. Order 6 Rule 11

v. "on its own motion" means-

- a. suo moto action
- b. pro active action
- c. bro bono action
- d. all of the above