



FACULTY OF JURIDICAL SCIENCES

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Subject Name- Drafting, Pleading and conveyancing

COURSE NAME- LLB, III Sem

SUBJECT CODE-LLB-303

LECTURE FOUR

Landmark Cases on Rejection of Plaintiff

Many cases came in front of court related to the rejection of plaintiff but some of the cases given below are now considered as a landmark for other cases on the rejection of plaintiff:

- Kalepur Pala Subrahmanyam v Tiguti Venkata: In this case, it was said that a plaintiff cannot be rejected in part and retained part under this rule. It must be rejected as a whole and not with the rejection of one part and acceptance of another. This judgment is considered as a landmark judgment on the rejection of the plaintiff.
- Sopan Sukhdeo Sable v. Asstt. Charity Commr.: In this case, it was held that where the suit was at the stage of recording of evidence and an application under Order 7 Rule 11 of the code was filed to delay the proceedings of the suit, the application under Order 7 rule 11 of the code was rejected.
- Bibhas Mohan Mukherjee v. Hari Charan Banerjee: In this case, it was held that an Order rejecting a plaintiff is a decree and hence it is applicable and binding in other cases which involves the rejection of the plaintiff.
- K. ROJA vs. U.S. RAYU: Court, in this case, held that any application for the rejection of the plaintiff under Order 7 Rule 11 of the code of civil procedure can be filed at any stage and the court has to dispose of the same before proceeding with the trial.
- Kuldeep Singh Pathania vs. Bikram Singh Jarya: In this, the court held that for an application under Order VII Rule 11(a) of Code of Civil Procedure, only the pleadings of the plaintiff can be looked into and neither the written statement nor averments can be considered for inquiry.

MCOs-

i. A plaintiff is a-

- a. Legal document
- b. Criminal document
- c. Civil document
- d. None of above

ii. Order VII of CPC deals with-

- a. plaintiff
- b. written statement
- c. both
- d. none of above

iii. A plaint is discussed under-

- a. IPC
- b. CRPC
- c. CPC
- d. INDIAN EVIDENCE ACT

iv. Plaint is mentioned under-

- a. order VII
- b. order VIII
- c. order X
- d. Order XI

v. A plaint is filed by the-

- a. Plaintiff
- b. Defendant
- c. Both of above
- d. None of the above