



FACULTY OF JURIDICAL SCIENCES

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Subject Name- Drafting, Pleading and conveyancing

SUBJECT CODE- BAL-703

Course- BA LLB, VII Sem

LECTURE ONE

[PLAINT- MEANING AND BASICS]

Plaint

A Plaint is a legal document that contains the content of any civil suit which shows the Plaintiff's claim after filing suit. The plaint is the first step of the Plaintiff in the form of a legal document for the commencement of suit and it shows what a Plaintiff wants from that suit. The concept of a plaint is mentioned in the Civil Procedure Code. Through the help of plaint, the plaintiff narrates or describes the cause of action and related information which is considered as essential from the viewpoint of the suit.

In the case of plaint, the cause of action consists of two divisions, first is the legal theory (the factual situation based on which the plaintiff claims to have suffered) and second is the legal remedy that the plaintiff seeks from the court. A plaint is considered an important concept because it is the foremost and initial stage to initiate any lawsuit and helps to find a civil court of appropriate jurisdiction.

Order VII of the Code of Civil Procedure deals, particularly with plaint. In Order VII of CPC, there are many different rules which deal with different constituents of plaint. Rules 1 to 8 deal with the particulars of the plaint. Rule 9 of CPC deals with how the plaint will be admitted and after that Rule 10 to 10-B talks about the return of the plaint and the appearance of parties. And the main Rules i.e 11 to 13 deal with the rejection of the plaint and in which circumstances the plaint can be rejected.

Section 26 of the Code of Civil Procedure states "Every suit shall be instituted by the presentation of a plaint or in such other manner as may be prescribed." This section clearly shows that plaint is very much necessary for the establishment of a suit before the civil or commercial court.

Multiple choice question-

i. According to _____ In all precedents are authority of past decisions for future cases. It must be reported, cited and followed by courts.

- a. Austin
- b. Hart
- c. Maine
- d. Savigny

ii. Principle: Nothing is an offence which is done by accident, and without any criminal intention. Facts: Aneez fires a revolver in the air. Ahmad, who is coming down by a parachute is hit and killed. In this case

- a. Aneez can be held guilty if he has done the act intentionally
- b. Aneez can't be held liable if he can prove that Ahmad was killed accidentally

- c. Aneez is not liable because he fired it in the air.
- d. None of the above

iii. The Supreme Court, while elaborating the scope of the right guaranteed under Article 21 observed in that right to life cannot be restricted to mere animal existence. It means something more than just physical survival.

- a. D K. Basu v. State of W.B. AIR 1997 SC 610
- b. Francis Coralie Mullin v. Administrator, Union Territory of Delhi (1981) 1 SCC 608
- c. Olga Tellis v. Bombay Municipal Corporation [1985] 2 Supp SCR 51
- d. Rudal Shah v. State of Bihar AIR 1983 SC 1086.

iv. The granting of specific performance is an _____ relief and it cannot be claimed as a matter of right though it is provided in specific relief act, 1963. It is solely the discretion of the court to grant such relief and such discretion has to be the judicious discretion which is guided by sound principles.

- a. Contractual
- b. Actionable
- c. Specific
- d. None of the above

v. To declare the law means to _____ the law. This interpretation of law is binding on all the Courts in India. This is called as precedent.

- a. Form
- b. Interpret
- c. Understand
- d. Explain