



Rejection of Complaint

Order VII Rule-11 of CPC

1. [Order VII Rule 11 of the Code of Civil Procedure](#) elaborates on the rejection of complaints in certain circumstances.
2. It has mentioned certain grounds on the basis of which the complaints are rejected by the courts.
3. One of them is not mentioning the *cause of action* that the plaintiff seeks against the respondent.

Cause of Action



4. Cause of Action has been mentioned under a lot of provisions in the Code of Civil Procedure.
5. It is a set of allegations or facts which make up for the ground of filing a civil suit in the Court.

6. One instance of the mention of Cause of Action is under Order II Rule 2 of the Code.
7. Therein, it has been stated that for the purpose of instituting a suit, the cause of action needs to be explicitly mentioned in the plaint.
8. If it has not been mentioned, then the plaint will be rejected by the Court.
9. It is the sole reason why a civil suit exists in the first place. It specifies the legal injury which the person who is instituting a suit has suffered.
10. It also has the remedy or relief which the plaintiff is going to ask the Court to grant.
11. The person instituting such suit also needs to prove certain elements i.e.
 - a. That there existed a duty,
 - b. The occurrence of a breach of that duty,
 - c. The cause of such a breach and
 - d. the damages incurred by the plaintiff.
12. Thus, if the plaint does not allege the facts which are required for furthering the claim of the plaintiff, the plaint shall be dismissed by the Court citing the grounds for such dismissal.

Order II Rule 2 of CPC

- a. The term Cause of Action has been mentioned in Order II Rule 2 wherein it has been stated that no person shall be troubled more than once for the same cause of action.
- b. The principle behind this rule is that the plaintiff has to include all the claims at once in the suit which he is instituting.
- c. The test for the Courts is that the cases falling under this particular provision of the Code must answer the question that the claim in the new suit is found upon a different cause of action.



Joinder for cause of Action

Several causes of action can be unified into one by the plaintiff against the defendant or several defendants jointly.

Any plaintiffs who are interested in the same legal remedy and have the same cause of action may unite them into one in the same suit. However, if such joinder of causes of action embarrasses or delays the trial of the court, it may order separate trials.

Order II Rule 4 of the Code lays down the situations in which the causes of action will not be joined unless the Court has allowed doing so. Following are the exceptions to the same-

1. Claims for mesne profit or arrears of rent in respect of the property claimed or any part thereof;
2. Claims for damages for breach of any contract under which the property or any part thereof is held;
3. Claims in which the relief sought is based on the same cause of action.

This rule provides for joinder of claims in suits.

A reference to Section 20 of the Code is necessary while discussing case laws in relation to cause of action.

Section 20 states that suits have to be instituted at the place where the cause of action arises, either in part or wholly. Even though the cause of action is a set of facts alleged but it does not contain all the evidence required for proving the allegations.



Misjoinder for cause of Action

- a. When multiple causes of action are being unified together in the suit which cannot be joined together, there can be no such joinder.
- b. All objections concerning the misjoinder of causes of action need to be addressed as early as possible.
- c. It is presumed that if an objection is not raised against the misjoinder, this right is deemed to be waived off.

Grounds of rejection of the plaint

1. A plaint can be rejected by the Court if it does not mention a cause of action which is to be taken by the plaintiff against the respondent.
2. It is perceived as an abuse of the process of the Court.
3. Cause of Action has been mentioned at various places in the Code of Civil Procedure.
4. Without a cause of action, a civil suit cannot arise. The cause of action is necessary because it discloses the facts that made the plaintiff take such action.
5. When the plaint is being rejected, the court needs to just look at the plaint and nothing else.
6. Moreover, a part of the plaint cannot be rejected, the plaint if rejected, has to be rejected as a whole.
7. However, there can be partial striking out of pleadings under Order VI Rule 16 of the Code, but not partial rejection of the plaint.
8. Moreover, a part of the plaint cannot be rejected, the plaint if rejected, has to be rejected as a whole.
9. However, there can be partial striking out of pleadings under Order VI Rule 16 of the Code, but not partial rejection of the plaint.

Provision on rejecting the Plaintiff

1. Under Order VII Rule 12 of the Code of Civil Procedure, the procedure has been specified after the rejection of a plaintiff.
2. According to the provisions, the Judge can make an order also recording the reasons for such order.
3. The language provided in the Code is mandatory and if the court does not make an order regarding the same, the plaintiff will still be deemed to be on record of the Court.

Extending Time

1. It is upon the Court's discretion to extend the time for applications under Order VII Rule 11 clauses (b) to (c) of the Code of Civil Procedure.
2. This has been done to ensure that proper Court fees have been paid for filing the suit. Section 148 of the Code of Civil Procedure has given powers to the Court for extending the time to do an action which is prescribed or allowed by the Code of Civil Procedure.