2026 INSC 1197

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.13154 OF 2026

G. PAZHANIVEL **APPELLANT**

VERSUS

S. THILAGAVATHY **RESPONDENT**

J U D G M E N T

ATUL S. CHANDURKAR, J

1. This appeal questions the correctness of the order passed by the trial Court and upheld by the High Court rejecting the plaint in exercise of power under Order VII Rule 11 of the Code of Civil Procedure, 1908[1] prior to registration of the civil suit.

2. The appellant-plaintiff claims to be the owner of the suit property, more particularly described in the schedule annexed to the plaint. The same is a piece of land claimed to be owned by the plaintiff. It is alleged that pursuant to a registered Settlement Deed dated 26.02.2021, the suit property was settled in favour of the

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Reason:

[1] For short, 'the Code'

plaintiff by his son. The plaintiff being in need of money borrowed an amount of ₹25,00,000/- from the husband of the respondent-defendant at interest rate of 24% per month. It is the case of the plaintiff that on the insistence of the defendant's husband, a sale deed of the suit property was got registered on 15.03.2021 in the name of the defendant. Despite the aforesaid, the possession of the suit property continued with the plaintiff. It is the further case of the plaintiff that the sale deed was executed by way of security for the amount borrowed from the defendant's husband. Subsequently, the plaintiff was in a position to repay the amount borrowed. He, therefore, offered to repay the loan amount of ₹25,00,000/- with interest. However, the defendant avoided to execute a sale deed in the plaintiff's favour. The defendant also attempted to take forcible possession of the suit property on 25.05.2025. On this cause of action, the plaintiff filed the aforesaid suit seeking a decree for declaration of his title to the suit property and for permanent injunction restraining the defendant from disturbing the plaintiff's peaceful possession. The prayers made in the suit read as under:

> "VI. The plaintiff therefore prays that a decree may be passed in his favour

i) Declaring plaintiff's title to the suit property and for permanent injunction to restrain the defendant and his men, agents and servants by a decree of permanent injunction not to disturb plaintiff's peaceful possession and enjoyment of the suit property,

ii) Redeeming the mortgage deed, styled as sale deed dated 15.03.2021 registered on the file of Sub-Registrar, Kadampuliyur as document No: 927/2021 in book No: I

iii) Directing the defendant to execute a sale deed, reconveying the suit property to plaintiff by a decree of mandatory injunction,

iv) Directing the defendant to pay the plaintiff the cost of this suit and

v) Granting all other just and necessary reliefs."

3. It appears that on presentation of the suit, the same came up before the learned Principal District Judge, Cuddalore. Prior to the suit being registered, the learned Principal District Judge heard the plaintiff and perused the documents filed along with the plaint. On the ground that the sale deed dated 15.03.2021 did not contain any provision for re-sale of the suit property and as no agreement to that effect was filed by the plaintiff, it was held that the defendant had the full right of enjoyment of the suit property by virtue of the said sale deed. For these reasons, the plaint was rejected and refund of court fees was directed. This order was passed in Unnumbered O.S. being 19R Nos.8886/2025, dt. 20.06.2025, and 8973/2025, dt. 23.06.2025.

4. The plaintiff, being aggrieved by the rejection of the plaint, preferred an appeal before the Division Bench of the High Court of

Judicature at Madras[2]. The Division Bench was of the view that rejection of the plaint by the trial Court was proper for the reason that neither from the settlement deed executed by the plaintiff's son nor from the sale deed executed by the plaintiff in favour of the defendant could an inference be drawn that the sale deed executed by the plaintiff was in the nature of a mortgage deed or a deed of conditional sale with right to reconvey the property. It held that for lack of cause of action, the plaint was rightly rejected. It further noted that since the suit was not numbered and the plaintiff was held entitled to refund of the court fees, similar concession was extended to the plaintiff in the appeal. Being aggrieved, the plaintiff has challenged the aforesaid judgment in this appeal.

5. Mr. Shoeb Alam, learned Senior Advocate for the plaintiff submitted that the High Court committed an error in rejecting the plaint in exercise of power under Order VII Rule 11 of the Code prior to registration of the suit. At the stage of registration of the suit, what was only required to be examined was whether the plaint complied with the requirements of Order VII of the Code. At

[2] For short, 'the High Court'

that stage, it was not permissible to examine the plaint in detail and thereafter proceed to exercise jurisdiction under Order VII Rule 11 of the Code. An order rejecting a plaint had serious consequences and, therefore, such power ought to be exercised after completion of the ministerial act of registration of the plaint. Inviting attention to the consistent view taken by the High Court in this regard as reflected in its decisions in **Selvaraj Vs. Koodankulam Nuclear Power Plant India Limited**[3] and **The Government of Tamil Nadu represented by the District Collector Namakkal and others Vs. Ponnusamy**[4], it was submitted that the law laid down in the aforesaid decisions was not being followed. While it was true that the power under Rule 11 of Order VII could be exercised at any stage of the proceedings, it could not have been exercised even prior to registration of the suit. Referring to the decision in **Alka Gupta Vs. Narender Kumar Gupta**[5], it was urged that dismissal of the suit without a trial was unwarranted.

[3] CRP(MD) No.915 of 2020
[4] 2026:MHC:245
[5] 2010 INSC 651

Without prejudice to the aforesaid, it was urged that on a complete reading of the plaint, it was clear that it did disclose a cause of action for being tried. Merely by referring to the settlement deed and the sale deed executed by the plaintiff, the plaint could not have been rejected. Since it was the case of the plaintiff, as pleaded, that the sale deed was executed only by way of security for the amount borrowed from the defendant's husband and the plaintiff continued in possession, rejection of the plaint at the threshold was not warranted. He, therefore, submitted that the impugned orders be set aside and the suit be restored for being tried in accordance with law.

6. On the other hand, Ms. G. Indira, learned counsel appearing for the defendant supported the rejection of the plaint by the trial Court. She submitted that the registered sale deed dated 15.03.2021 clearly indicated that the plaintiff had outrightly sold the suit property to the defendant. No inference, whatsoever, could be drawn that the sale deed was executed by way of security. In absence of any document indicating the defendant's intention to reconvey the property, the trial Court was justified in rejecting the plaint. Exercise of such power by the trial Court even prior to

registration of the plaint could not be questioned in such circumstances. There being no bar to the exercise of power under Order VII Rule 11 of the Code at any stage, the same was rightly exercised by the trial Court prior to registration of the plaint. No purpose would have been served by registering the plaint and thereafter rejecting it for want of cause of action. It was, thus, submitted that no interference was called for with the order passed by the trial Court rejecting the plaint that was upheld by the High Court.

7. We have heard learned counsel for the parties and we have also perused the documents on record. Having considered the contentions as urged, we are of the view that the trial Court erred in rejecting the plaint in exercise of power under Order VII Rule 11 of the Code after entering into the merits of the case and without indicating how the plaint was liable to be rejected in a summary manner. The High Court too erred in affirming the order of the trial Court. The suit, in our opinion warranted an adjudication on merits.

8. Under the Code, the institution of a suit with the presentation of a plaint and admission of that plaint are two stages that have

been separately placed. Order IV refers to institution of suits. Under Rule 1(1) of Order IV, a suit is required to be instituted by presenting a plaint in duplicate to the Court or such officer as it appoints in this behalf. Rule 1(2) of Order IV requires every plaint to comply with the rules contained in Orders VI and VII insofar as they are applicable. Sub-rule 1(3) of Order IV lays down that a plaint shall not be deemed to be duly instituted unless it complies with the requirements of sub-rules (1) and (2) of Order IV. It is also material to note that as per Rule 2 of Order IV, the particulars of every suit are required to be entered in a book to be kept for that purpose called the Register of Civil Suits. The entries made therein are required to be numbered in every year according to the order in which the plaints are admitted. This provision would indicate that the Register of Suits consists of various entries made serially in the sequence in which the plaints are admitted.

9. Order V Rule 1(1) prescribes for issuance of summons to a defendant to appear and answer the claim made in a suit that has been duly instituted. Thereafter, Order VII Rule 9 of the Code prescribes the procedure on a plaint being admitted. It lays down that where the Court orders the summons to be served on the

defendants in the manner provided in Rule 9 of Order V, the plaintiff is required to present as many copies of the plaint as there are defendants, within seven days from the date of such order along with requisite fee for service of summons on the defendants.

10. It was urged on behalf of the plaintiff that the power under Order VII Rule 11 of the Code could not have been exercised by the trial Court at the pre-registration stage of the suit. According to the plaintiff, only after registration of the plaint, the said aspect could be gone into by the trial Court. This contention made on behalf of the plaintiff cannot be accepted in view of the settled legal position in this regard. In **T. Arivandandam Vs. T.V. Satyapal and another**[6], this Court held that at the first hearing of a suit, the trial Court could exercise power under Order VII Rule 11 of the Code, if necessary, by examining a party under Order X of the Code. It was observed as under:

> "The learned Munsif must remember that if on a meaningful — not formal — reading of the plaint it is manifestly vexatious, and meritless, in the sense of not disclosing a clear right to sue, he should exercise his power under Order VII, Rule 11, C.P.C. taking care to see that the ground mentioned therein is fulfilled. And, if clever drafting has created the illusion of a cause of action, nip it in the bud at the first hearing by examining the party searchingly under Order X, C.P.C. An activist Judge is the answer to irresponsible law suits. The trial Courts would insist imperatively on examining the party at the

[6] 1977 INSC 204

first bearing so that bogus litigation can be shot down at the earliest stage."

10.1 In **Saleem Bhai and others Vs. State of Maharashtra and others**[7], this Court held in clear terms that the trial Court could exercise power under Order VII Rule 11 of the Code even prior to the plaint being registered or after issuance of summons to the defendants at any time before conclusion of the trial. It was observed as under:

> "A perusal of Order VII Rule 11 C.P.C. makes it clear that the relevant facts which need to be looked into for deciding an application thereunder are the averments in the plaint. The trial court can exercise the power under Order VII Rule 11 C.P.C. at any stage of the suit-before registering the plaint or after issuing summons to the defendant at any time before the conclusion of the trial. For the purposes of deciding an application under clauses (a) and (d) of Rule 11 of Order VII C.P.C. the averments in the plaint are germane; the pleas taken by the defendant in the written statement would be wholly irrelevant at that stage, therefore, a direction to file the written statement without deciding the application under Order VII Rule 11 C.P.C. cannot but be procedural irregularity touching the exercise of jurisdiction by the trial court."
>
> [emphasis supplied by us]

10.2 Similarly, in **Madiraju Venkata Ramana Raju Vs. Peddireddigari Ramachandra Reddy & Others**[8], this position was reiterated by observing as under:

> "11. Ordinarily, an application for rejection of election petition *in limine*, purportedly under Order VII Rule 11 for non-disclosure of cause of action, ought to proceed at the threshold. For, it has to be

[7] 2002 INSC 554
[8] 2018 INSC 249

considered only on the basis of institutional defects in the election petition in reference to the grounds specified in clauses (a) to (f) of Rule 11. Indeed, non-disclosure of cause of action is covered by clause (a) therein. Concededly, Order VII of the CPC generally deals with the institution of a plaint. It delineates the requirements regarding the particulars to be contained in the plaint, relief to be specifically stated, for relief to be founded on separate grounds, procedure on admitting plaint, and includes return of plaint. The rejection of plaint follows the procedure on admitting plaint or even before admitting the same, if the court on presentation of the plaint is of the view that the same does not fulfill the statutory and institutional requirements referred to in clauses (a) to (f) of Rule 11. The power bestowed in the court in terms of Rule 11 may also be exercised by the court on a formal application moved by the defendant after being served with the summons to appear before the Court."

[emphasis supplied by us]

10.3 Yet again, in **The Church of Christ Charitable Trust & Educational Charitable Society Vs. M/s Ponniamman Educational Trust**[9], the view that a plaint could be rejected even before issuance of summons to the defendants was reiterated. It was observed as under:

"To reject the plaint even before registration of the plaint on one or more grounds mentioned in Order VII Rule 11 of the Code, the other defendants need not necessarily be heard at all as it does not affect their rights. As a matter of fact, this Court in ***Saleem Bhai (supra)*** held that the plaint can be rejected even before the issuance of summons. This Court has taken a view that the trial Court can exercise its power under Order VII Rule 11 of the Code at any stage of the suit i.e. before registering the plaint or after issuance of summons to the defendants or at any time before the conclusion of the trial. We respectfully agree with the said view and reiterate the same."

[9] 2012 INSC 264

11. From the aforesaid decisions, it is clear that the power to reject a plaint under the provisions of Order VII Rule 11 of the Code can be exercised at any stage of the proceedings commencing from presentation of a plaint followed by its registration and any stage thereafter. In a given case, such power may be exercised even prior to registration of the plaint. Even otherwise, we may observe that formal registration of a plaint by itself would not clothe the plaint with a shield of invincibility as its maintainability can always be questioned at any stage in exercise of power under Order VII Rule 11 of the Code. Hence, the contention of the plaintiff that the power to reject a plaint could be exercised only after registration of the suit cannot be accepted.

12. Turning now to the impugned order passed by the trial Court rejecting the plaint in exercise of power under Order VII Rule 11 of the Code, it may be noted that the trial Court has not indicated any specific clause of Rule 11 under which the plaint was being rejected. The order of the trial Court does not indicate as to whether the plaint was rejected on the ground that it did not disclose a cause of action or that the suit appeared from a

statement in the plaint to be barred by any law. The short order passed by the trial Court reads thus:

> "2. Heard plaintiff's side. Perused the case records. The plaintiff pleaded that he executed a sale deed, but on condition to reconvey on payment of the sale consideration amount with interest which is practice in their locality. The sale deed does not contain the resale provision. No agreement is filed by the plaintiff in mark of agreeing for resale. Further, the terms of the sale deed dated 15.03.2021 reveals that the defendant is given full right of enjoyment and alienation to his choice. Hence, considering all these aspects, the plaint is rejected. Refund the Court Fees as per law."

13. To consider whether the plaint warranted rejection in a summary manner, we may consider the averments made in the plaint. It was pleaded by the plaintiff that pursuant to a settlement deed dated 26.02.2021, the suit property was settled in favour of the plaintiff by his son. As the plaintiff was in need of financial help, he had borrowed an amount of ₹25,00,000/- from the defendant's husband. It is pleaded that the said amount was borrowed as per usage and custom with interest at the rate of 24% per month. A sale deed was executed by way of security for the amount borrowed and only to give the transaction a colour of reality. It was further specifically pleaded that even after execution of the sale deed by the plaintiff, he continued in possession of the suit property. Despite the plaintiff's willingness to repay the loan amount with accrued interest, the defendant had been avoiding to

execute the sale deed in favour of the plaintiff and was further attempting to take possession of the suit property. On this cause of action, the suit seeking declaration of the plaintiff's title, redemption of mortgage and permanent injunction so as to protect the plaintiff's possession was filed. A further mandatory injunction was sought seeking a direction to the defendant to execute a sale deed in favour of the plaintiff by reconveying the property to him. The plaintiff also indicated his readiness to deposit the loan amount of ₹25,00,000/- with accrued interest.

14. On a meaningful reading of the entire plaint, it is evident that the same discloses a cause of action. The suit does not appear from any statement made in the plaint that it is barred by law. Besides the prayer for redemption of the mortgage deed styled as sale deed dated 15.03.2021, the plaintiff had also sought the relief of permanent injunction so as to restrain the defendant, her agents and servants from disturbing his peaceful possession and enjoyment of the suit property. Another prayer made was to direct the defendant to execute a sale deed reconveying the suit property to the plaintiff. According to the trial Court, since the sale deed executed by the plaintiff did not contain a provision for re-sale nor

was any agreement filed by the plaintiff indicating the defendant's agreement for such re-sale, the plaint was liable to be rejected.

Firstly, the trial Court failed to notice the various prayers made by the plaintiff in the plaint. It merely proceeded on the basis that the suit as filed was simplicitor for redemption of the mortgage deed styled as a sale deed. Secondly, it was not permissible for the trial Court to ignore material averments made in the plaint nor could it refuse to read the plaint as a whole. In the wake of specific pleadings made in the plaint disclosing a cause of action for filing the suit and seeking various reliefs, the plaint was not liable to be rejected in a summary manner by the trial Court.

15. In the appeal preferred by the plaintiff, the High Court besides reiterating what was observed by the trial Court further held that for lack of cause of action, the plaint was rightly rejected by the trial Court. As observed earlier, the trial Court did not indicate in its order the reason for rejection of the plaint. Before the High Court, a specific ground was raised by the plaintiff that without permitting the plaintiff to lead evidence and substantiate his pleadings, the plaint could not have been rejected. The said ground of challenge has not been considered by the High Court.

16. We, therefore, find that without considering the plaint as a whole and without its meaningful reading, the Courts have rejected the plaint. It would be a different matter that according to the trial Court, the plaintiff was not likely to finally succeed in the suit and that the suit would be dismissed after trial. That assumption cannot be made the basis for rejection of a plaint, especially when some cause of action is disclosed therein. Likelihood of a suit being dismissed after trial does not furnish a ground for the Court to reject the plaint prior to the trial. If a plaint discloses a cause of action, which it does in the present case, and the suit does not appear to be barred by any law in view of statements made in the plaint, it has to go for trial. We may in this regard refer to the decision of this Court in **Ganga Bai Vs. Vijay Kumar and others**[10] wherein it was held that there was an inherent right in every person to bring a suit of civil nature, unless barred by statute. The rejection of the plaint in such manner is, therefore, found unsustainable. In our view, no ground for rejection of the plaint was made out as required by the provisions of Order VII Rule 11 of the Code.

[10] 1974 INSC 87

17. Having found that in a given case, a plaint could be rejected even prior to its registration, it would be in the interest of administration of justice that such rejection of a plaint at a stage prior to its registration also ought to be duly recorded. Rejection of a plaint has the character of a 'decree' as defined by Section 2(2) of the Code and, therefore, permitting rejection of a plaint in an unregistered or unnumbered proceeding to go unnoticed without any record has its own disadvantages. The record of an unregistered or unnumbered plaint would be necessary in case an order rejecting a plaint is questioned in appeal and the record of the trial Court is summoned. In other words, a record of plaints that are rejected prior to their registration also ought to be maintained. This would facilitate the availability of some record of proceedings initiated by a plaintiff at an earlier point of time. Similarly, a defendant would also have information of the rejection of a plaint filed earlier in any subsequent proceeding filed by that plaintiff based on the same cause of action, which is permissible under Order VII Rule 13 of the Code.

18. Our attention was invited to the decision of a learned Single Judge of the High Court in **Selvaraj** *(supra)*. While holding that a

plaint could be rejected prior to it being numbered and entered in the Register of Suits, the Court observed that a roving enquiry into the merits of the matter was not called for. The learned Senior Advocate for the plaintiff also referred to the decision in **The Government of Tamil Nadu represented by the District Collector Namakkal and others** *(supra)* wherein the suitability and requirement of numbering a plaint even when it is rejected under Order VII Rule 11 of the Code on demurrer has been emphasised. The concerns expressed therein are material thus highlighting the importance of there being some record of proceedings even when a plaint is rejected at a stage prior to its registration.

19. For all the aforesaid reasons, the order passed by the learned Principal District Judge, Cuddalore in Unnumbered O.S. (19R Nos.8886/2025, dt. 20.06.2025, and 8973/2025, dt. 23.06.2025) dated 11.07.2025 as well as the judgment dated 16.10.2025 passed by the Division Bench of the High Court in A.S. No.970 of 2025 are set aside. The plaint is restored for being duly registered. The suit thereafter shall be decided in accordance with law. It is clarified that any observations made hereinabove shall not be

treated as an expression on the merits of the case and the suit shall be decided uninfluenced by the same.

20. We deem it necessary to direct that whenever the trial Court rejects a plaint in exercise of power under Order VII Rule 11 of the Code prior to registration of the plaint, the fact that such plaint stands rejected shall be duly recorded in a register maintained for such purpose under Order IV Rule 2 of the Code. In case such provision has not been made in the concerned Civil Manual or the applicable Rules, the High Courts may in exercise of its power conferred by Section 122 of the Code take appropriate steps in that regard.

21. Copy of this judgment be sent to the Registrar General of the High Courts and the Director of the State Judicial Academies for necessary circulation and follow up steps.

22. The Civil Appeal is allowed in aforesaid terms with no order as to costs. Pending Interlocutory Applications are disposed of.

.....J.
[UJJAL BHUYAN]

.....J.
[ATUL S. CHANDURKAR]

NEW DELHI,
NOVEMBER 5, 2026.