

Civil Procedure Code: Pleadings, Jurisdiction & Suit Procedure

Civil Law · Code of Civil Procedure, 1908

1. Jurisdiction of Civil Courts — Section 9

Section 9 of the CPC provides that courts have jurisdiction to try all suits of a civil nature, except suits of which their cognizance is either expressly or impliedly barred. A suit is of a 'civil nature' where the principal question relates to the determination of a civil right, even if incidental religious or other questions arise.

2. Pleadings — Order VI

A pleading means a plaint or a written statement. Order VI CPC lays down the fundamental rules of pleading:

- Every pleading must state only material facts, not the law or the evidence by which the facts are to be proved.
- Facts must be stated concisely, in a summary form.
- Particulars must be given where fraud, misrepresentation, breach of trust, undue influence, or wilful default is alleged.
- Amendment of pleadings is permitted under Order VI Rule 17, subject to the proviso that no amendment is generally allowed after the trial has commenced, unless the court concludes the party could not have raised the matter earlier despite due diligence.

3. Plaint — Order VII

Order VII prescribes the particulars a plaint must contain (parties, facts constituting the cause of action, facts showing jurisdiction, relief claimed, valuation, etc.) and, under Rule 11, the grounds on which a plaint may be rejected — for example, where it does not disclose a cause of action or is undervalued and not corrected within the time fixed.

4. Written Statement — Order VIII

Order VIII requires the defendant to specifically deal with each allegation of fact and to expressly admit or deny it; a general or evasive denial is not treated as a valid denial. Failure to deny an allegation may, subject to the pleadings as a whole, be treated as an admission. A written statement must generally be filed within 30 days of service of summons, extendable up to 90 days for reasons to be recorded.

5. Landmark Cases (for quick revision)

Bhagwati Prasad v. Chandramaul (1966) — relief may be granted on a ground not specifically pleaded if it is covered by the issues and the parties knew the case they had to meet.

T. Arivandandam v. T.V. Satyapal (1977) — courts must be alert to reject complaints that are cleverly drafted but disclose no real cause of action, to prevent abuse of process.

Salem Advocate Bar Association v. Union of India (2005) — upheld the constitutional validity of the 1999/2002 CPC amendments, including case management provisions.

6. Exam-Focused Summary

- Be able to state the Section 9 test for 'suit of a civil nature' and give one example of an implied bar.
- List the essential contents of a complaint and the Order VII Rule 11 grounds for rejection.
- Explain why a vague or evasive denial in a written statement is risky for the defendant.