

CPC, 1908 – Order 7 Rule 11 – Rejection of plaint – An application under Order VII Rule 11 of the CPC can be filed at any stage – Once an application is filed under Order VII Rule 11 of the CPC, the court has to dispose of the same before proceeding with the trial – There is no point or sense in proceeding with the trial of the case, in case the plaint (Election Petition in the present case) is only to be rejected at the threshold. Therefore, the defendant is entitled to file the application for rejection before filing his written statement – In case, the application is rejected, the defendant is entitled to file his written statement thereafter – But once an application for rejection is filed, the court has to dispose of the same before proceeding with the trial court – Without disposing of an application under Order VII Rule 11 of the CPC, the court cannot proceed with the trial. In that view of the matter, the impugned order is only to be set aside.

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