



CPC O. 7 R. 11 - Defense in the written statement cannot be gone into - One has to only look into the plaint for the purpose of deciding application under Order VII Rule 11, CPC | 1

[PRINT / DOWNLOAD PDF](#)

cpc O. 7 R. 11- Civil Procedure Code, 1908, Order VII Rule 11 - Application claiming rejection of the plaint on the ground that the suit filed by respondent No.1 was barred by res judicata - Plaint in question did not disclose any cause of action - At this stage, the defense in the written statement cannot be gone into - One has to only look into the plaint for the purpose of deciding application under Order VII Rule 11, CPC - It is possible that in a cleverly drafted plaint, the plaintiff has not given the details about the first Suit which has been decided against him - He has totally omitted to mention about the second Suit, the judgment wherein has attained finality - Plaintiff may be guilty of suppression and concealment, if the averments made by the appellant are ultimately found to be correct - However, as per the established principles of law, such a defense projected in the written statement cannot be looked into while deciding application under Order VII Rule 11, CPC - cpc o. 7 r. 11.

[\(2018\)2 Scej 1240 = 2018 PLRonline 14192](#)

Tags: [CPC O. 7 R. 11](#), [Written Statement](#)