

CPC O. 7 R. 11(d) , CPC O. 14 R. 2 - Order 7 Rule 11(d) of the Code has limited application - It must be shown that the suit is barred under any law - Such a conclusion must be drawn from the averments made in the plaint - Different clauses in Order 7 Rule 11, in our opinion, should not be mixed up - Whereas in a given case, an application for rejection of the plaint may be filed on more than one ground specified in various sub-clauses thereof, a clear finding to that effect must be arrived at. What would be relevant for invoking clause (d) of Order 7 Rule 11 of the Code are the averments made in the plaint. For that purpose, there cannot be any addition or subtraction - Absence of jurisdiction on the part of a court can be invoked at different stages and under different provisions of the Code. Order 7 Rule 11 of the Code is one, Order 14 Rule 2 is another.

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