

2025 LiveLaw (SC) 515

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

PAMIDIGHANTAM SRI NARASIMHA; J., JOYMALYA BAGCHI; J.

April 29, 2025

CIVIL APPEAL NO. OF 2025 (Arising out of SLP (C) No.21466 of 2024)

K. Valarmathi & Ors. *versus* Kumaresan

Code of Civil Procedure, 1908 - Order VII Rule 11, Section 96 - Constitution of India; Article 227 - Supervisory Jurisdiction - Rejection of Plaint - High Court cannot reject a plaint while exercising its supervisory jurisdiction under Article 227 of the Constitution, as this power is limited to ensuring courts/tribunals act within their jurisdiction - The Court set aside the High Court's decision to reject a plaint as barred by the Prohibition of Benami Property Transactions Act, emphasizing that such rejection is a function of the trial court under Order VII Rule 11 of the Civil Procedure Code (CPC), appealable under Section 96 - Article 227 cannot be used to usurp the trial court's original jurisdiction or bypass statutory remedies under the CPC - The Court criticized procedural shortcuts by an overburdened judiciary, stating they undermine the rule of law and procedural safeguards. [Relied on: *Jacky v. Tiny @ Antony*, (2014) 6 SCC 508; Distinguished: *Frost (International) Ltd. v. Milan Developers*, [2022 LiveLaw \(SC\) 340](#); (Paras 8 - 10)]

Procedural Law - Short-circuiting of procedure cannot be allowed - Procedural law provides the necessary legal infrastructure on which edifice of rule of law is built. Short-circuiting of procedure to reach hasty outcomes is an undesirable propensity of an overburdened judiciary. Such impulses rendering procedural safeguards and substantive rights otiose, subvert certainty and consistency in law and need to be discouraged. (Para 14)

[Arising out of impugned final judgment and order dated 11-07-2024 in CRPMD No. 210/2019 passed by the High Court of Judicature at Madras at Madurai]

For Petitioner(s): Mr. M Gireesh Kumar, Adv. Mr. Ankur S. Kulkarni, AOR Mr. A S Naushad, Adv. Ms. Puspita Basak, Adv. Mr. Tarun, Adv.

For Respondent(s): Ms. Aswathi M.K., AOR Mr. R. Baskaran, Sr. Adv. Mr. Arivazhagan.AC, Adv. Mr. S. Raju, Adv. Mr. V.C. Venkatachalam, Adv.

J U D G M E N T

Joymalya Bagchi, J.

1. Leave granted.
2. Can the High Court in exercise of its supervisory jurisdiction under Article 227 reject a plaint?
3. Short factual compass giving rise to the issue is as follows:

Appellants are the legal heirs i.e. wife and daughters of one Kathiresan (since deceased). Kathiresan purchased the *nanja* suit land from his own funds in the name of the respondent i.e. his nephew. He had done so on astrological advice. During his lifetime, Kathiresan was in possession of the suit land and thereafter appellants claim to be in possession of the said land. After the death of Kathiresan, disputes broke out between the appellants on one hand and sisters of Kathiresan on the other, in respect of ownership of the suit land and other businesses. The respondent, who is the son of one of the sisters of late Kathiresan, initiated negotiations for sale of the suit land. This prompted the

appellants to file O.S. No. 1087 of 2018¹ seeking a declaration regarding title and consequential injunction against the respondent from encumbering the suit land. Other lands purchased by Kathiresan from his own funds in the name/joint name with other family members, were the subject matter of another O.S. No. 201 of 2018² instituted by the appellants.

4. Respondent took out petitions³ under Article 227 of the Constitution before the High Court praying for rejection of plaint in both the suits.

5. High Court by the impugned order, *inter alia*, rejected the plaint in the present suit, holding the suit is barred by law i.e. Prohibition of Benami Property Transactions Act, 1988⁴. With regard to the other suit the High Court was of the view the suit was not barred under the Benami Act and declined the relief.

6. Appellants have challenged the jurisdiction of the High Court to reject the plaint in exercise of its supervisory powers under Article 227 of the Constitution.

7. Heard Mr. M. Gireesh Kumar, learned Counsel for the appellant and Mr. R. Baskaran, learned Senior Counsel for the respondent. Mr. V. Prabhakar, learned Senior Counsel also assisted the Court as Amicus Curiae. Mr. Prabhakar contends the High Court erred in law invoking the supervisory jurisdiction under Article 227 of the Constitution to reject the plaint.

8. Power of the High Court under Article 227 is supervisory and is exercised to ensure courts and tribunals under its supervision act within the limits of their jurisdiction conferred by law. This power is to be sparingly exercised in cases where errors are apparent on the face of record, occasioning grave injustice by the court or tribunal assuming jurisdiction which it does not have, failing to exercise jurisdiction which it does have, or exercising its jurisdiction in a perverse manner.

9. Essence of the power under Article 227 being supervisory, it cannot be invoked to usurp the original jurisdiction of the court which it seeks to supervise. Nor can it be invoked to supplant a statutory legal remedy under the Civil Procedure Code, 1908⁵. For example, existence of appellate remedy under Section 96 of the Code operates as a near total bar to exercise of supervisory jurisdiction under Article 227⁶.

10. Civil Procedure Code is a self-contained Code and Order VII Rule 11 therein enumerates the circumstances in which the trial court may reject a plaint. Such rejection amounts to a deemed decree which is appealable before the High Court under Section 96 of the Code. This statutory scheme cannot be upended by invoking supervisory jurisdiction of the High Court under Article 227 to entertain a prayer for rejection of plaint.

11. In the present case, High Court has supervened the provisions of the Code when it rejected the plaint on the ground it was barred by law. In doing so, the High Court not only substituted itself as the court of first instance but also rendered nugatory a valuable right to appeal available to the appellant had the issue been adjudicated by the trial court in the first place.

¹ Hereinafter, 'the present suit'.

² Hereinafter, 'the other suit'.

³ CRP (MD) 125 of 2019 in O.S. No. 201 of 2018 and CRP (MD) 210 of 2019 in O.S. No. 1087 of 2018.

⁴ In short, Benami Act.

⁵ In short, 'the Code'

⁶ Virudhunagar Hindu Nadargal Dharma Paribalana Sabai v. Tuticorin Educational Society, (2019) 9 SCC 538

12. We are conscious appellate remedy against rejection of plaint is not available if the High Court had in its revisional jurisdiction reversed the order of trial court and rejected the plaint. In *Frost (International) Ltd. v. Milan Developers*⁷, this Court observed as follows:-

“**31.** No doubt rejection of a plaint is a decree within the meaning of Section 2(2)CPC and an appeal lies from every decree passed by any court exercising original jurisdiction to the court authorised to hear appeals from a decision of such court. However, it must be borne in mind that when a Revisional Court rejects a plaint, in substance, an application filed under Order 7 Rule 11 is being allowed. Under such circumstances, the remedy by way of a writ petition under Article 227 of the Constitution could be availed and Respondent 1/the plaintiff has resorted to the said remedy in the instant case; although if the plaint had been rejected by the trial court i.e. court of original jurisdiction, it would have resulted in a right of appeal under Section 96 CPC.”

13. These observations in *Frost* (supra) are not relevant for the matter in issue as the High Court in the present case had not exercised its supervisory power to correct a jurisdictional error of the trial court but usurped its original jurisdiction to reject the plaint.

14. Procedural law provides the necessary legal infrastructure on which edifice of rule of law is built. Short-circuiting of procedure to reach hasty outcomes is an undesirable propensity of an overburdened judiciary. Such impulses rendering procedural safeguards and substantive rights otiose, subvert certainty and consistency in law and need to be discouraged.

15. Similar issue fell for decision in *Jacky v. Tiny @ Antony & Ors.*⁸ when a tenant (non-party to the suit) prayed for rejection of an alleged collusive suit between the legal heirs of his erstwhile landlord and the new purchaser under Article 226/227. Deprecating invocation of constitutional powers in a landlord-tenant dispute, the Court observed: -

“**15.** ...If a suit is not maintainable it was well within the jurisdiction of the High Court to decide the same in appropriate proceedings but in no case power under Articles 226 and 227 of the Constitution of India can be exercised to question a plaint.”

16. In light of the aforesaid discussion, we set aside the impugned judgment dated 11.07.2024 passed by the High Court and allow the appeal. We make it clear that we have not expressed any opinion regarding merits of the plea of the respondent for rejection of plaint and give liberty to seek necessary relief before the trial court in accordance with law, if so advised.

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⁷ (2022) 8 SCC 633.

⁸ (2014) 6 SCC 508