

The Code of Civil Procedure
Pleadings
O. VI, Rule – 1 to 18

Presentation By:

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Synopsis:

- ❖ Introduction
- ❖ Meaning
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- ❖ Basic Rules of Pleading
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- ❖ Striking out Pleadings
- ❖ Objection to Pleading
- ❖ Amendment of Pleadings
 - Object
 - Discretion of Court
 - Grounds to Amend
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 - Subsequent Events
 - Notice
 - Remedies
- ❖ Conclusion

Introduction



Scheme

- ❑ Rule: 1 - Pleadings in General
- ❑ Rule: 2 - Fundamental Rules of Pleadings
- ❑ Rulee3 to 13 Parties to supply necessary particulars
- ❑ Rules 14 to 15 Signing and Verification
- ❑ Rule 16 Striking out Pleadings
- ❑ Rules 17 to 18 Amendments in Pleadings

Meaning

Defined as Plaint and Written Statement

Object

To bring parties to definite issues

Defendant may deal with every facts of the plaintiff

To state new facts

Raise legal objections

Set-off and Counter Claim

Additional facts with permission of Court.

Importance

Pleadings cannot be under underestimated.

Throughout the proceedings

Determine range of admissible evidences.

Lay down limit on the relief.

Foundation of litigation.

Backbone of the Proceedings.

To establish the truth.

Basic Rules of Pleadings



Pleading should state facts and not law



Facts stated should be material facts



Pleadings should not state evidence; and



The facts should be stated in a concise form.

Pleading should state facts and not law

Parties to suit state only facts on which they rely upon for their claim

It is the court to apply the law to the facts pleaded

Custom or usage is a question fact must be pleaded, equally intention, etc.

Judge is bound to apply law

No necessary to plead law - example: antecedent debt

Material facts

Plaintiff cause of action and defendants defence depends

Particulars are details of case

They amplify, refine embellish material facts

They give finishing touch, more detailed and informative

Opposite party should not surprise

To avoid amendment in pleading

Particulars cannot be overlooked

Failing which dismissal of suit

Facts not evidence

1

Facta probanda – facts on which the plaintiff relies for his claim or defence of the defendant

2

Facta probantia – evidence by which material facts are proved, they are not facts in issue



Concise form

- + Vague pleading
- + Repetition
- + Precise, specific and unambiguous
- + Suggestive facts
- + Should not exclude necessary facts
- + No negligence in leaving necessary facts
- + Nothing to be left inferred



Other Rules of Pleadings

- + Particulars with dates and items should be stated
- + Adequate notice to other party
- + Performance of condition precedent
- + Departure from pleadings are not permitted
- + Relevant documents are permitted
- + Malice, misrepresentations, fraudulent intent
- + Implied contracts
- + Dates, totals and numbers should be written in figures and in words



Other Rules of Pleadings

- + Signature and verification of pleadings by affidavit
- + Striking out pleadings
- + Complete address
- + Amendment in pleadings
- + Form - Appendix A to the First Schedule
- + Division into paragraphs
- + Dates, totals, numbers I figure ad words.



Objections

- + Should be taken at the earliest
- + It is deemed to have been waived
- + Belated stage

Amendments of Pleadings

Decision cannot be based on outside the pleadings

Fresh information come to hand

Interrogatories have been fully answered by his opponent

Disclosure of documents – reshaping of claim

Well-founded objections raised by the opponent

Subsequent events

object

Court should try the merits of the case

Determining the real controversy

Not to cause injustice

Larger interest of doing complete justice

Promoting justice – not to defeat justice

Court should not refuse Bonafide, legitimate, honest and necessary amendment

Liberal approach

Discretion of Court

Exercise judicially

Consonance with well-founded
principles of law

No arbitrariness

Grounds

Necessary for effective adjudication

Enable real question in controversy

No change in structure of the suit

Rights of the parties should not materially affected

Reasonable explanation with the party/applicant, etc.

Who may apply?

Either of the party to suit

Refusal

If no real
controversy

If introduces a
totally different,
new and
inconsistent case

Changes the
fundamental
character

Is to take other
side a legal right
accrued in his
favor

Want of
Bonafideness

Defrauding of
creditors

No good-faith

Who may grant?

Court where suit is filed



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graph TD; A[Court where suit is filed] --> B[Revisional Court]; B --> C[Appellate Court];
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Revisional Court

Appellate Court

Notice to opposite party



Compliance is mandatory



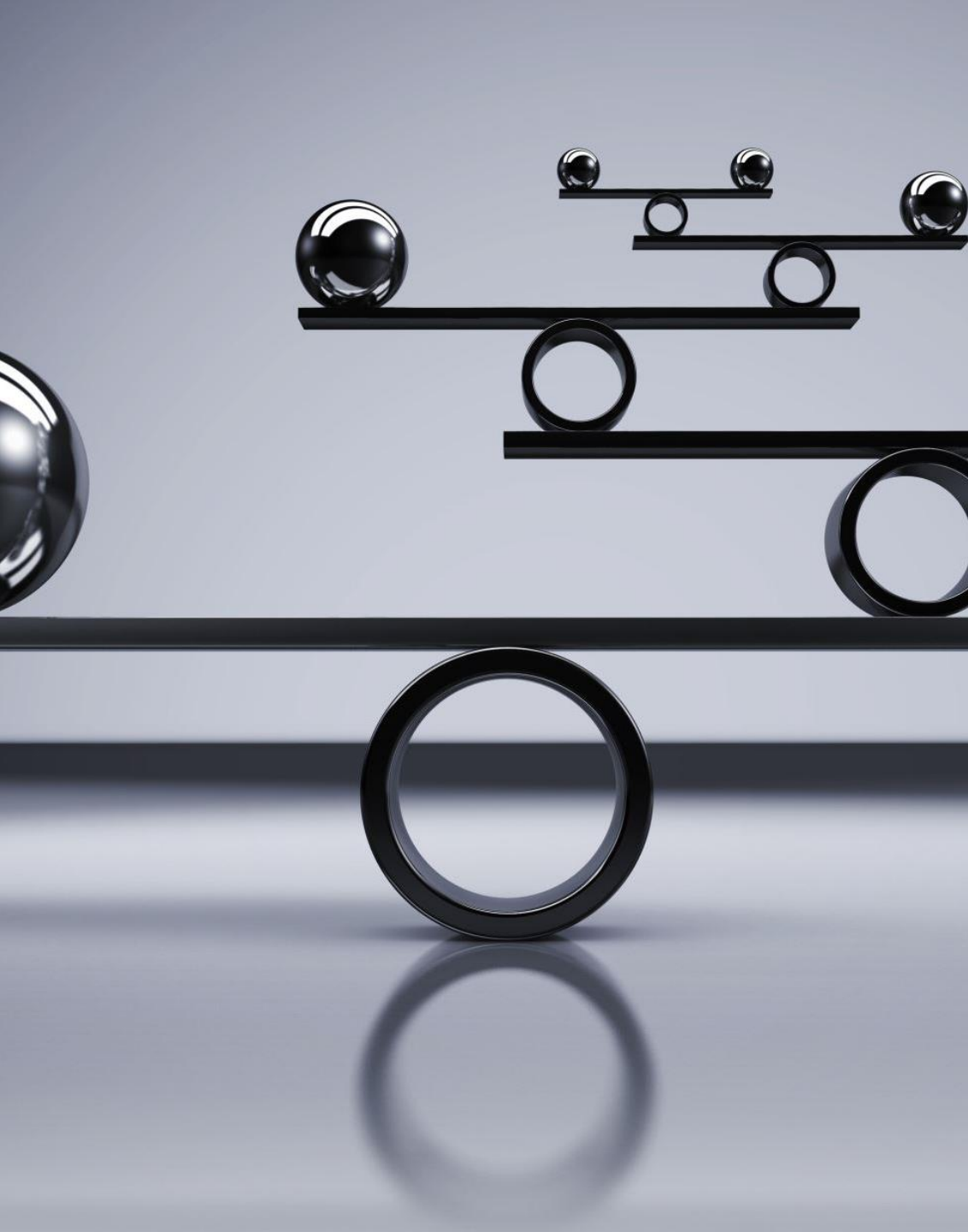
Allow objections



Inherent powers of court



Recording of reasons



Principles

- + Determination of real controversy
- + Should not change basic character
- + Should not cause prejudice
- + Barred by time
- + Liberal approach
- + Principles are illustrative

doctrines

Res-judicata

Resisubjudice

Stoppel

Successive applications

Remedies



Appeal-Section 104 & Order 43 of CPC



Revision-Section 115



Writ Petition Art. 226 & 227



Art. 32 & 136



Conclusion

- + Significance
- + Natural justice
- + Complete justice
- + Fair justice



Thank You!