



April 2026

The Supreme Court of India clarifies: Order II Rule 2 of the Code of Civil Procedure, 1908 cannot be a ground for rejection of plaint under Order VII Rule 11(D) of the Code of Civil Procedure, 1908

A two judge bench of the Hon'ble Supreme Court of India (“**Supreme Court**”) in *S. Valliammai and Ors. vs. S. Ramanathan and Anr.*¹ recently held that Order II Rule 2, Code of Civil Procedure, 1908 (“**CPC**”) cannot constitute a ground for rejection of plaint under Order VII Rule 11(d) of the CPC. The Supreme Court drew a critical distinction between the two provisions clarifying that while Order II Rule 2 curtails the right to sue for certain claims or reliefs, but it does not bar filing of a suit under Order VII Rule 11(d) of the CPC.

Brief facts

1. Late Mr. M. Sokkalingam (“**Original Owner**”), his wife S. Valliammai, and their children entered into an oral settlement for partition of the family properties. Thereafter, a Power of Attorney (“**PoA**”) dated November 4, 2011, was executed by the Original Owner in favour of Mr. E.J. Ayyappan (“**Respondent No. 2**”), a friend of his son Mr. S. Ramanathan (“**Respondent No. 1**”). Pursuant thereto, settlement deeds were executed transferring properties at Ooty and Pudukottai to Respondent No. 1.
2. The Original Owner and his wife filed O.S. No. 4722/2012 (“**First Suit**”) seeking permanent injunction against Respondent No. 1 from interfering with their property in Chennai and certain bank accounts. The First Suit alleged coercion and undue influence but did not challenge the PoA or the Ooty and Pudukottai property transfers. Shortly thereafter and during pendency of the First Suit, the Original Owner died intestate. Thereafter, on April 8, 2013, the widow and 2 (two) daughters filed O.S. No. 2320/2013 (“**Second Suit**”) seeking a declaration that the PoA was void as it was obtained by fraud, coercion and undue influence, and sought injunction against alienation of the Ooty and Pudukottai properties.
3. The defendants in the Second Suit sought rejection of the plaint under Order VII Rule 11(d) on the ground that the suit was barred under Order II Rule 2 of the CPC. The trial court dismissed the said application holding that the two suits involved distinct causes of action as the Second Suit involved challenge to validity of the PoA which surfaced after filing of the First Suit. However, the Madras High Court (“**Madras HC**”) reversed the trial court’s order, rejected the plaint, and held that the causes of action in the two suits were identical and that the impugned PoA was already in knowledge of the plaintiffs in the First Suit. An appeal was preferred before the Supreme Court against the Madras HC’s order.

¹ Civil Appeal No. 3624 of 2024 (decided on 16 April 2026)

Issue(s)

Whether a plea under Order II Rule 2 of the CPC can constitute a ground for rejection of plaint under Order VII Rule 11(d) of the CPC?

Findings and analysis

Distinction between Order II Rule 2 and Order VII Rule 11(d) of the CPC

1. The Supreme Court clarified that the two provisions operate in distinct domains. Order II Rule 2 prevents a plaintiff from suing for claims/reliefs omitted from an earlier suit on the same cause of action but does not bar the filing of a suit. On the other hand, Order VII Rule 11(d) applies where the suit is barred by any law including an express or implied prohibition on filing the suit itself, for e.g., Section 34² of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ousting civil court jurisdiction. The Supreme Court held that under Order VII Rule 11, the determination is done on a meaningful reading of the plaint alone and would not require analysis of any evidence or pleadings filed by the defendant(s).
2. Hence, while a suit may be dismissed under Order II Rule 2 due to refusal of the relief(s) sought, a plaint falling within the bar under Order VII Rule 11(d) is rejected summarily at the very threshold. Accordingly, the Supreme Court concluded that the application under Order II Rule 2 cannot be construed to be a ground for rejection of the plaint under Order VII Rule 11(d).

Regarding identity of cause of action

1. Drawing on the Privy Council's rulings in *Mohammad Khalil Khan vs. Mahbub Ali Mian*³ and the recent decision in *Cuddalore Powergen Corporation Limited vs. Chemplast Cuddalore Vinyls Limited*⁴, the Supreme Court reiterated the settled principles governing the meaning of "cause of action" and the applicability of Order II Rule 2 of the CPC. The Supreme Court further identified the following parameters to ascertain whether a subsequent suit may be hit by Order II Rule 2:
 - a) whether the parties involved are the same;
 - b) whether the cause of action is identical or distinct;
 - c) whether the subject matters are different; and
 - d) any other relevant point of identity or distinction.
2. The Supreme Court held that the Madras HC had erred in rejecting the plaint based on an analysis of the averments made in the two suits as evidence. The Supreme Court further held that the analysis under Order II Rule 2 could not have been the basis to reject a plaint under Order VII Rule 11(d). Accordingly, the appeal was allowed, the Madras HC's order was set aside, and the plaint in the Second Suit was restored along with the interim injunction granted by the trial court.

Conclusion

The judgment clarifies the nuanced difference between "bar to sue" under Order II Rule 2 of the CPC and "suit barred by law" under Order VII Rule 11(d) of the CPC where the former can be determined only after a detailed evidentiary

² Section 34 bars civil courts from entertaining suits or proceedings against actions taken by banks/financial institutions under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, specifically regarding matters the Debts Recovery Tribunal or Debts Recovery Appellate Tribunal is empowered to decide.

³ 1948 SCC OnLine PC 44 (decided on 31 May 1948)

⁴ 2025 SCC OnLine 82(decided on 15 January 2025)

inquiry and comparative analysis of the plaints filed. An Order VII Rule 11 inquiry is confined strictly to the plaint and the plaintiff's averments, and no other pleadings can be relied upon for the same.

Based on the fundamental difference between the two provisions, the Supreme Court has clarified that merely because a suit/claim may be dismissed under Order II Rule 2 of the CPC, the same would not justify rejection of plaint under Order VII Rule 11(d) of the CPC. The Supreme Court's ruling ensures that a plea under Order II Rule 2 of the CPC, which requires comparative factual enquiry, cannot be merged with the summary mechanism under Order VII Rule 11 of the CPC. This comes as a welcome clarification and a positive step towards procedural fairness preserving the plaintiff's right to trial on merits in such contested matters.

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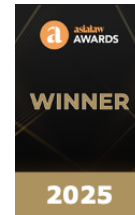
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