

CPC Law Judgments



A Monthly Wrap | **July 2026** 

Title and Case details	Case Brief
Supreme Court: Plaint Must Be Rejected Under Order VII Rule 11 CPC If Suit Is Ex Facie Barred by Limitation Shobha Vasant Bhoir and Ors. Vs. Soni and Ors. (MANU/SC/0664/2026; 2026 INSC 664)	The Supreme Court held that a plaint is liable to be rejected under Order VII Rule 11(d) CPC where the suit is clearly barred by limitation. Allowing the appeal, the Court set aside the Bombay High Court's order and held that a suit for specific performance filed in 2022 on the basis of an unregistered agreement to sell dated 21 August 1984 was hopelessly time-barred under Article 54 of the Limitation Act, 1963. The Court observed that the High Court's earlier observations could not give rise to a fresh cause of action or extend the limitation period, and that permitting such a belated claim would amount to an abuse of the process of the court.
Supreme Court: Compromise Decree Without Parties' Signatures Violates Order XXIII Rule 3 CPC Krishna Kumar Ojha and Ors. Vs. Jitendra Chaudhary and Ors. (MANU/SC/0660/2026; 2026 INSC 662)	The Supreme Court held that a compromise decree passed without compliance with Order XXIII Rule 3 of the Code of Civil Procedure, 1908 is unsustainable in law. Dismissing the appeal, the Court ruled that a valid compromise must be in writing and signed by the parties, and an advocate cannot surrender a client's substantive rights without express authorization or exceptional circumstances. Since the compromise petition was not signed by the concerned defendant and there was no evidence of express authority to the counsel, the decree was rightly set aside. The Court further held that despite a delay of nearly 25 years, allegations of fraud and non-compliance with the mandatory requirements of Order XXIII Rule 3 CPC justified recalling the compromise decree and restoring the partition suit for trial.

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Supreme Court Clarifies CPC Timeline: 120-Day Limit Applies to Plaintiff's Reply to Counter-Claim in Commercial Suits A.K. Ghosh & Company and Ors. Vs. Biman Bose and Ors. (MANU/SC/0681/2026; 2026 INSC 684)	The Supreme Court has held that in commercial suits, a plaintiff must file a written statement to a defendant's counter-claim within the timeline prescribed under the Code of Civil Procedure (CPC). The Court ruled that the 120-day outer limit under Order VIII Rule 1, read with Order VIII Rule 6G, applies equally to such replies. It observed that while the reply should ordinarily be filed within 30 days, courts may extend the period only up to 120 days, after which the right to file the written statement is forfeited. The judgment emphasises that this interpretation aligns with the objective of the Commercial Courts Act, 2015 to ensure speedy adjudication of commercial disputes and prevent delays in completion of pleadings.
Supreme Court: High Court Cannot Reappreciate Concurrent Findings of Fact in Second Appeal Under Section 100 CPC Sardari Lal Vs. Bishan Dass and Ors. (MANU/SC/0669/2026; 2026 INSC 669)	The Supreme Court held that a High Court exercising jurisdiction under Section 100 of the Code of Civil Procedure, 1908 cannot interfere with concurrent findings of fact unless they give rise to a substantial question of law. Allowing the appeal, the Court ruled that the High Court exceeded its jurisdiction by reversing the trial court and first appellate court's well-reasoned findings that a Will was surrounded by suspicious circumstances. Reiterating that the genuineness of a Will and the existence of suspicious circumstances are essentially questions of fact, the Court restored the concurrent findings of the courts below and set aside the High Court's judgment.
Supreme Court: Additional Documents in Commercial Suits Cannot Be Filed Without 'Reasonable Cause' Under Order XI CPC Levitate Mobile Technologies Pvt. Ltd. Vs. Standard Chartered Bank and Ors. (MANU/SC/0674/2026; 2026 INSC 674)	The Supreme Court held that in commercial suits, parties cannot be permitted to produce additional documents at a belated stage without demonstrating reasonable cause under Order XI Rule 1 of the Code of Civil Procedure, 1908, as amended by the Commercial Courts Act, 2015. Dismissing the appeal, the Court upheld the rejection of an application seeking to place additional documents on record after the plaintiff's evidence had commenced, observing that a piecemeal approach to leading evidence defeats the objective of expeditious disposal of commercial disputes. The Court emphasized that voluminous records or documents already in a party's possession do not justify delayed production and directed the trial court to conclude the suit expeditiously.

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Supreme Court: Revisional Jurisdiction Under Section 115 CPC Cannot Be Invoked to Reappreciate Facts or Correct Factual Errors Madan Mohan (Dead) through LRs. Vs. Thakar Dass (Dead) through LRs. (MANU/SC/0725/2026; 2026 INSC 730)	The Supreme Court has reiterated that the revisional jurisdiction under Section 115 of the Code of Civil Procedure (CPC) is confined to correcting jurisdictional errors and cannot be exercised to reappreciate evidence or interfere with concurrent findings of fact, even where a party is alleged to have concealed material facts. Setting aside a Punjab and Haryana High Court judgment, the Court held that revisional powers are not equivalent to appellate powers and cannot be used merely because another view on the facts is possible.
Delhi High Court: Counter-Claim in Commercial Suit Must Comply with Section 12A Commercial Courts Act, 2015 Before Order VII Rule 11 CPC Can Be Avoided Vijay Vs. Havells India Limited and Ors. (MANU/DE/4518/2026; 2026: DHC: 5196- DB)	The Delhi High Court has held that a counter-claim in a commercial suit is liable to rejection under Order VII Rule 11 CPC if it is filed without complying with the mandatory pre-institution mediation requirement under Section 12A of the Commercial Courts Act, 2015, where no prior mediation has taken place. The Court clarified that although a counter-claim is in the nature of a cross-suit, a fresh round of mediation is unnecessary only if the claims forming the counter-claim had already been part of an earlier mediation process. Since no pre-institution mediation had been undertaken in the present case, the Court upheld the rejection of the counter-claim under Order VII Rule 11 CPC and dismissed the appeal.
Delhi High Court: Leave Under Order VII Rule 14(3) CPC Can Be Granted for Additional Documents if Necessary for Effective Adjudication Pawwan Khanna Vs. Deepak Bagga and Ors. (MANU/DE/4653/2026; 2026: DHC: 5341)	The Delhi High Court held that Order VII Rule 14(3) of the Code of Civil Procedure, 1908 empowers courts to grant leave for production of additional documents if sufficient cause is shown and the documents are necessary for deciding the real controversy. Allowing the plaintiff's application, the Court observed that the genuineness or evidentiary value of the document cannot be examined at the stage of deciding an application under Order VII Rule 14(3) CPC, and such issues are matters for trial.

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Delhi High Court: Willful Breach of Injunction Under Order XXXIX Rule 2A CPC Justifies Civil Imprisonment and Coercive Action Jain Shikanji Pvt. Ltd. Vs. Satish Kumar Jain (MANU/DE/4617/2026; 2026: DHC: 5323)	The Delhi High Court upheld the trial court's order passed under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908, refusing to accept an unconditional apology from a party found guilty of willfully violating an interim injunction. The Court held that repeated disobedience of court orders, failure to surrender despite judicial directions, and continued defiance justified coercive measures, including arrest warrants, attachment of property, and civil imprisonment. While dismissing the petition under Article 227, the Court reduced the exemplary costs from Rs.5 lakh to Rs.3 lakh, leaving the remaining directions of the trial court undisturbed.
Delhi High Court: Expert Board Report Cannot Be Executed as a Decree or Order Under CPC Without Binding Adjudication South Delhi Municipal Corporation Vs. Delhi Gurgaon Super Connectivity Limited (MANU/DE/4598/2026; 2026: DHC: 5247)	The Delhi High Court has held that a technical expert Board's report prepared pursuant to consent orders cannot be executed under the Code of Civil Procedure, 1908 (CPC) unless it constitutes a decree, executable order, arbitral award, or other legally enforceable adjudication. The Court clarified that Section 36 CPC applies only to executable judicial orders, while the consent orders in the case merely constituted an expert Board and did not determine the parties' rights or liabilities. Holding that the Board's recommendations lacked binding adjudicatory force, the Court dismissed the execution petition as not maintainable.
Delhi High Court: Order XLI Rule 22 CPC Cross-Objections Not Maintainable in Letters Patent Appeals CJ Darcl Logistics Ltd. Vs. Oil and Natural Gas Corporation Ltd. and Transrail Logistics Ltd. Vs. Oil and Natural Gas Corporation Ltd. (MANU/DE/4580/2026; 2026: DHC: 5237-DB)	The Delhi High Court held that cross-objections under Order XLI Rule 22 CPC are not maintainable in a Letters Patent Appeal arising from writ proceedings under Article 226, as the Code of Civil Procedure does not apply <i>proprio vigore</i> i.e. "by its own force", to such proceedings unless expressly provided by statute. The Court ruled that an aggrieved respondent must file an independent appeal instead of cross-objections. While dismissing ONGC's cross-objections, the Court also upheld the refund of the forfeited EMD with 8% simple interest, finding that ONGC had neither complied with the notice requirement under the Integrity Pact nor proved any actual loss.

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Delhi High Court: Suit for Damages Against Officer Personally Dismissed; Order II Rule 2 CPC Inapplicable Where Parties Differ, Limitation Still Fatal Ravindra Kumar Sood Vs. J.N. Sinha (MANU/DE/4627/2026; 2026: DHC: 5277)	The Delhi High Court dismissed a Regular First Appeal challenging the rejection of a damages suit against a former NTPC executive, holding that although Order II Rule 2 CPC did not bar the suit because the earlier and subsequent suits were against different parties, the plaint disclosed no personal cause of action against the officer and the claim was hopelessly barred by limitation. The Court held that a public officer cannot be personally sued for acts done in an official capacity without specific pleadings of mala fides, and that the cause of action arose from the issuance of the show cause notice in 1998 not from subsequent court decisions affirming its quashing. Accordingly, the appeal under Section 96 read with Order XLI Rule 1 CPC was dismissed.
Bombay High Court: Plaint Cannot Be Returned Under Order VII Rule 10 CPC When the Suit Is Maintainable Under Section 6 of the Specific Relief Act Ambrosia Restaurants Pvt. Ltd. Vs. Sunita Dileep Nevatia and Ors. (MANU/MH/5281/2026; Appeal from order No. 695 OF 2024)	The Bombay High Court has held that a plaint cannot be returned under Order VII Rule 10 of the Code of Civil Procedure (CPC) merely because the parties share a licensor-licensee relationship if the suit is, in substance, one under Section 6 of the Specific Relief Act, 1963 for restoration of possession after alleged unlawful dispossession. The Court reiterated that while deciding applications under Order VII Rules 10 and 11 CPC, courts must be guided by the averments in the plaint and the dominant nature of the relief sought, not the defence raised by the defendants. Accordingly, it set aside the order returning the plaint, restored the suit before the City Civil Court, and dismissed the cross-objections seeking rejection of the plaint under Order VII Rule 11(d) CPC.

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Bombay High Court: Transferee Court Can Return a Plaint Under Order VII Rule 10 CPC Despite Prior Clause XII Leave Granted by the High Court Nouveau Exports Pvt. Ltd. Vs. Punita Capoor and Ors. (MANU/MH/5280/2026; Appeal From order No.407 OF 2026)	The Bombay High Court has held that a transferee court is competent to examine territorial jurisdiction and return a plaint under Order VII Rule 10 of the Code of Civil Procedure (CPC), notwithstanding that the suit was originally instituted in the High Court with leave under Clause XII of the Letters Patent. The Court ruled that once a suit is transferred to the City Civil Court under Section 4A(2) of the Bombay City Civil Court Act, 1948 it must be treated as if originally instituted there, making Sections 16, 20, and Order VII Rule 10 CPC fully applicable. Accordingly, it upheld the return of the plaint for presentation before the competent court having territorial jurisdiction.
Jammu & Kashmir High Court and Ladakh: Failure to File an Amended Leave to Defend Application Under Order XXXVII CPC Cannot Be Cured by Relying on the Original Pleading Abdul Gani Ganie and Ors. Vs. Abdul Gani Bhat (MANU/JK/0528/2026; CFA No 109/2011)	The Jammu & Kashmir High and Ladakh Court has upheld a trial court decree passed under Order XXXVII of the Code of Civil Procedure (CPC), reiterating that suits based on written contracts and promissory notes (Hundi/DP Note) are maintainable under the summary procedure. The Court held that substantial compliance with the procedural requirements of Order XXXVII is sufficient and that procedural rules should not be interpreted pedantically. It further ruled that once leave to defend is allowed to be amended, the original application loses its legal efficacy, and failure to file the amended application within the stipulated time disentitles the defendant from relying on the unamended plea. Finding no procedural illegality or violation of the CPC, the High Court dismissed the appeal and affirmed the decree in favour of the plaintiff.

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Himachal Pradesh High Court: Pleas of Res Judicata and Limitation Cannot Ordinarily Be Decided Under Order VII Rule 11 CPC Ajay Kumar Vs. Ashok Verma and Ors. (MANU/HP/1973/2026; 2026: HHC:29446)	The Himachal Pradesh High Court has reiterated that while deciding an application under Order VII Rule 11 of the Code of Civil Procedure (CPC), the court must confine itself to the averments in the plaint, and cannot examine the defendant's pleadings or disputed questions of fact. Relying on Supreme Court precedents, the Court held that the plea of res judicata under Section 11 CPC ordinarily falls outside the scope of Order VII Rule 11(d) as it requires examination of pleadings, issues and judgments in the previous suit. It further observed that where limitation involves mixed questions of law and fact, the plaint cannot be rejected at the threshold. Dismissing the revision under Section 115 CPC, the Court held that revisional jurisdiction cannot be invoked in the absence of any jurisdictional error or material irregularity in the trial court's order.
Madras High Court: Coordinate Benches Must Follow Binding CPC Precedents Until Overruled D. Paramasivam Vs. P. Arunachalam and Ors. (MANU/TN/2171/2026; AS No. 535 of 2026 and C.M.P.No.12823 of 2026)	The Madras High Court has reiterated that under the Code of Civil Procedure (CPC), a coordinate Bench cannot disregard or revisit a binding decision of another coordinate Bench merely because it holds a different view. The Court observed that any disagreement with an earlier precedent must be resolved by referring the issue to a larger Bench, reaffirming the principles of judicial discipline and certainty in the administration of justice. It also clarified that proposed amendments to the High Court Rules do not attain legal force unless approved by the Full Court, sanctioned by the State Government, and notified under Sections 122–127 CPC. The Court consequently directed the Registry to continue following the binding precedent governing the listing of first appeals under Order XLI CPC.
Himachal Pradesh High Court: Amendment of Pleadings After Trial Begins Requires Proof of Due Diligence Under Order VI Rule 17 CPC Sarita Diwan and Ors. Vs. Mukhtiaro Devi and Ors. (MANU/HP/1715/2026; 2026: HHC:26614)	The Himachal Pradesh High Court upheld the rejection of an application for amendment of the plaint under Order VI Rule 17 of the Code of Civil Procedure, 1908, holding that once the trial has commenced, the applicant must establish due diligence as mandated by the proviso to the Rule. The Court observed that the plaintiffs sought amendment nearly four years after the alleged subsequent event without explaining the delay or demonstrating why the plea could not have been raised earlier. Finding no jurisdictional error in the trial court's order, the High Court declined to interfere under Article 227 of the Constitution and dismissed the petition.

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Orissa High Court: Judgment-Debtor's Right to Raise Objections Under Section 47 CPC Cannot Be Defeated on Technical Grounds Abdul Jabar Vs. Abdul Rafiq and Ors. (MANU/OR/0868/2026; CMP No.1624 of 2025)	The Orissa High Court has held that although a second execution petition is maintainable under the Code of Civil Procedure (CPC) if the decree remains unexecuted, the judgment-debtor's statutory right to challenge the executability of the decree under Section 47 CPC cannot be denied on technical or procedural grounds. Setting aside the executing court's order, the Court observed that substantial compliance with procedural rules must prevail over technicalities and directed the judgment-debtor to file a fresh objection in the prescribed format. The executing court was directed to decide the Section 47 CPC objection after affording both parties an opportunity of hearing.
Himachal Pradesh High Court: Restoration Under Order IX Rule 9 CPC Requires Proof of 'Sufficient Cause' for Delay Koullan Devi Vs. Gurdittu and Ors. (MANU/HP/1971/2026; 2026: HHC:29703)	The Himachal Pradesh High Court has reiterated that an application for restoration under Order IX Rule 9 of the Code of Civil Procedure (CPC) cannot be allowed in the absence of a credible explanation establishing "sufficient cause" for the delay. Upholding the dismissal of restoration and delay condonation applications, the Court held that liberal principles under Section 5 of the Limitation Act cannot override statutory limitation where negligence and lack of due diligence are evident. It further observed that the High Court's supervisory jurisdiction under Article 227 of the Constitution cannot be invoked to reappreciate facts or interfere with well-reasoned findings of subordinate courts.