[2025] 4 S.C.R. 2461 : 2025 INSC 606

K. Valarmathi & Ors.
v.
Kumaresan

(Civil Appeal No. 5677 of 2025)

29 April 2025

[Pamidighantam Sri Narasimha and Joymalya Bagchi,* JJ.]

Issue for Consideration

Can the High Court in exercise of its supervisory jurisdiction under Article 227 reject a plaint.

Headnotes†

Constitution of India – Art.227 – Code of Civil Procedure, 1908 – Supervisory jurisdiction – Rejection of plaint by the High Court u/Art.227 of the Constitution – Correctness:

Held: 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, 1908 – 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 u/s.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 – In the instant 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 – 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 – Thus, the impugned judgment passed by the High Court set aside. [Paras 9-11, 14, 16]

* Author

Case Law Cited

Jacky v. Tiny @ Antony & Ors. **[2014] 5 SCR 85 : (2014) 6 SCC 508 – relied on.**

Virudhunagar Hindu Nadargal Dharma Paribalana Sabai v. Tuticorin Educational Society **[2019] 13 SCR 634 : (2019) 9 SCC 538;** *Frost (International) Ltd. v. Milan Developers* **[2022] 14 SCR 1100 : (2022) 8 SCC 633 – referred to.**

List of Acts

Constitution of India; Code of Civil Procedure, 1908; Prohibition of Benami Property Transactions Act, 1988.

List of Keywords

Article 227; Supervisory jurisdiction; Rejection of plaint; Usurping the original jurisdiction of court; Statutory Scheme; Procedural law; Short-circuiting of procedure.

Case Arising From

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 5677 of 2025

From the Judgment and Order dated 11.07.2024 of the High Court of Judicature at Madras at Madurai in CRPMD No. 210 of 2019

Appearances for Parties

Advs. for the Appellant:
M Gireesh Kumar, Ankur S. Kulkarni, A S Naushad, Ms. Puspita Basak, Tarun.

Advs. for the Respondent:
R. Baskaran, Sr. Adv., S.Raju, Arivazhagan Ac, V.C. Venkatachalam, Ms. Aswathi M.K.

Judgment / Order of the Supreme Court

Judgment

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 2018[1] 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 2018[2] instituted by the appellants.

4. Respondent took out petitions[3] 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, 1988.[4] 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

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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.

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, 1908.[5] 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 227.[6]

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.

12. We are conscious appellate remedy against rejection of plaint is not available if the High Court had in its revisional jurisdiction reversed

5 In short, 'the Code'

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

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

7 [2022] 14 SCR 1100 : (2022) 8 SCC 633.

8 [2014] 5 SCR 85 : (2014) 6 SCC 508

> 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.

Result of the case: Appeal allowed.

†*Headnotes prepared by:* Ankit Gyan