



INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

Code Of Civil Prodecure

Name : Pranali Dabholkar

College Name : Subhash Desai College of Law

Abstract:

An abstract on cause of action and jurisdiction under the Code of Civil Procedure (CPC) must outline how the "bundle of material facts" that defines a cause of action decides where and if at all a civil suit may be filed, and how courts sift out complaints at the threshold regarding jurisdictional competence and revelation of a cause.

Cause of action is not specifically defined under the CPC, but Indian courts always refer to it as all the facts which the plaintiff must establish, if navigated, in order to secure a judgment; it is the matrix of facts connecting a right, its violation, and the defendant's challenged acts.

Jurisdiction over civil actions interconnects with cause of action via Section 20 CPC, which gives territorial jurisdiction when the defendant is found, carries on business, or where the cause of action accrues wholly or in part; hence, even partial accrual of crucial facts can determine forum competence.

Standards of pleading support this nexus: Order VII Rule 1 mandates setting out the cause of action in the plaint, whereas Order II Rule 2 necessitates inclusion of the entire claim based on the same cause for avoiding multiplicity of proceedings.

At the stage of gatekeeping, courts can dismiss a complaint under Order VII Rule 11 for non-disclosure of a cause of action or for a prima facie jurisdictional bar, examining only the averments in the plaint on a face-value basis to eliminate vexatious or incompetent suits.

Doctrinally, Indian precedent defines both narrow and expansive meanings of cause of action—from facts which constitute violation of a right to the entire ensemble of material facts required for relief—each with implications for territorial forum choice and maintainability.

In total, cause of action is the factual basis of a civil claim and the functional basis of territorial jurisdiction under Section 20; combined with rules of pleading and the power of rejection under Order VII Rule 11, it frames where suits are instituted, how they are articulated, and whether or not they move beyond the threshold.

Keywords

Bundle of material facts; legal right and its violation; right to sue; wrongful act or omission; injury/damage; causation; damages; maintainability; disclosure in plaint.

Territorial jurisdiction; defendant resides/carries on business/works for gain; forum selection; place where cause of action arises.

Relief claimed; facts constituting cause, breach; injury; concurrence of right, duty, and wrong; material facts vs evidence.

Pecuniary, subject-matter jurisdiction, bundle of facts

Research Methodology

Primary Sources:

- The Code of Civil Procedure, 1908: It exists to implicitly acknowledge "cause of action" as the bundle of facts that entitles a party to bring an action; provisions and rules like Section 20, Order II Rule 2, and Order VII Rule 1 furnish procedural background to cause of action and jurisdiction.
- Key Hon'ble Supreme Court and Hon'ble High Court decisions: These clarify and expound the legal signification and significance of cause of action and jurisdiction, such as the requirement to establish all relevant facts for a valid claim.
- The Constitution of India, 1950: It is the foundational legal framework under which jurisdictional principles function. Provide plain words

Secondary Source

- Legal websites like <http://www.manupatracademy.com>, www.taxmann.com, www.scribd.com that explain procedural laws.
- Law websites like Law Bhoomi, and educational YouTube channels such as Physics Lawwala

Introduction

Code of Civil Procedure, 1908 (CPC) is the primary procedural law governing the trajectory of civil litigation in India. The British Parliament passed this legislation and made it operational from January 1, 1909. The CPC is a comprehensive code that prescribes how civil suits are initiated, heard, and determined in the courts. It strives to ensure that civil disputes are resolved justiceously, expeditiously, and in ways following the principles of justice.

The CPC neither establishes nor extinguishes substantive rights but regulates the means and methods through which civil rights are enforced. It is a pattern of adjective or procedural law, which completes a lacuna in substantive law by providing devices for enforcement of rights and obligations as envisioned by substantive law.

The Code is divided into two parts: the first part consists of 158 substantive articles that define jurisdiction, pleadings, suits, appeals, execution, and others; the second part comprises the Schedule, which is 51 Orders and Rules that include elaborate procedural formats that courts follow.

Doctrine of Cause of Action

Cause of action is a fundamental principle in the law of civil procedure that requires a plaintiff to have a valid bundle of facts or grounds upon which a suit may be filed. It forms the foundation of a claim in law under which a court can entertain a suit. The term "cause of action" refers to the pattern of events or happenings that lead to a right to sue and a right to legal remedy.

Definition

Cause of action can be defined as "a collection of facts or circumstances which entitles a claimant to relief from a court against the defendant." It is a condition where there is a legal right, this legal right is breached or violated, and an injury or harm is caused to it.

Significance of Cause of Action

Inherent in the very nature of every civil action lies the law of cause of action, a fact or legal ground for which a plaintiff has a right to seek judicial redress. The cause of action must be clearly stated in the plaint (written petition) so as to render a suit maintainable. It comprises the facts which, if established, would entitle the plaintiff to win against the defendant. Failure of a cause of action attracts summary rejection under Order VII Rule 11 of the CPC.

Jurisdiction in Civil Suits

Jurisdiction refers to the jurisdiction of a civil court to hear and decide on a case. Jurisdiction is necessary so that cases are heard in courts statutorily competent to adjudicate on them, based on territorial boundaries, subject matter, and pecuniary limits.

Understanding of jurisdiction safeguards the convenience of the parties and prevents multiplicity of suits or forum shopping. Lack of jurisdiction renders any judicial decree a nullity and vulnerable to collateral attack.

Interrelation between Cause of Action and Jurisdiction

There is a close connection between cause of action and jurisdiction because where and whether the cause of action exists are determining factors in territorial jurisdiction. The plaintiff must file the suit before a court possessing jurisdiction over the place where the cause of action occurred either wholly or partially. This achieves balance between access to courts and convenience of the defendant.

Objective of Research

The objective of this research study is to detail these twin pillars of support — cause of action and jurisdiction under the Code of Civil Procedure. It discusses applicable provisions of the statutes, court judgments, and realistic application in the Indian civil justice system with their importance in making adjudication fair, efficient, and legal.

Cause of Action

Definition and Meaning

The term cause of action is a foundational legal concept that forms the basis of every civil suit. While the Code of Civil Procedure, 1908, does not explicitly define "*cause of action*," judicial interpretation provides clarity on its nature.

Simply put, cause of action means the bundle of facts or events which, if proved, entitle the plaintiff to obtain a legal remedy against the defendant. It is the reason or the factual basis on which a plaintiff claims to have a right to sue.

According to the Supreme Court in the case of *Bloom Dekor Ltd. v. Subhash Himatlal Desai (1994)*, cause of action is "a bundle of facts which is necessary for a plaintiff to plead and prove to entitle himself to a judgment."

Elements of Cause of Action

- A valid cause of action generally includes four elements:
- Legal Right: The plaintiff must have a legal right under the law.
- Breach of that Right: The defendant's act or omission must amount to an infringement or violation of the plaintiff's legal right.
- Injury or Damage: The plaintiff must have suffered actual injury or wrongful loss due to the breach.
- Remedy: There must be a legal remedy available to redress the injury or prevent further harm.

Importance in Civil Procedure

The existence of cause of action is crucial for the court to entertain a suit. Order VII Rule 11 (a) of CPC empowers the court to reject a plaint if it does not disclose a cause of action. This ensures that frivolous or baseless suits do not clog the judicial system.

Distinction from Cause of Suit

- Cause of Action: Focuses on the legal right and factual basis entitling the plaintiff to sue.
- Cause of Suit: Consists of individual facts or circumstances that give rise to the cause of action. For example, breach of contract, negligence, or trespass.

Pleading Cause of Action

The plaint must clearly state the facts constituting the cause of action. Bare conclusions or vague allegations are insufficient. The averments must be specific enough to enable the court to understand the basis of the claim.

Judicial Pronouncements on cause of action:

- *T. Arivandandam v. T.V. Satyapal (1977)*: The Supreme Court held that litigants must disclose the material facts constituting cause of action in the plaint itself, and courts cannot decide on evidence at the stage of rejection.
- *Om Prakash Srivastava v. Union of India (2006)*: The Court clarified that cause of action should be grounded on substantial facts, not mere legal technicalities.
- *K.K. Verma v. Union of India (1955)*: The Court emphasized that cause of action forms the foundation for civil jurisdiction.

Cause of Action and Jurisdiction

The existence of a cause of action is intricately linked to jurisdiction. For a suit to be heard:

The court must have subject matter jurisdiction over the type of case. The court must have territorial jurisdiction linked to where the cause of action arose or where the defendant resides.

Jurisdiction in Civil Suits

Meaning and Importance

First of all, jurisdiction refers to the power or authority of a court to hear and decide a case. Jurisdiction determines what particular court has the jurisdiction to try a suit by legal standards.

Jurisdiction is the foundational factor because:

- It leads to cases being tried in the courts that have the proper jurisdiction.
- It prevents the multiplication of the same suits and forum shopping whereby litigants are not allowed to pick courts at their convenience.
- It protects the rights of the defendant by limiting the court to cases within its local and subject matter jurisdiction.

Types of Jurisdiction

In civil law, jurisdiction mainly includes three different types:

- Territorial jurisdiction: The area where the court has the right to exercise its authority.
- Subject matter jurisdiction: The court that is authorized to give the ruling is the one dealing with the specified kinds of the court case jurisdiction.
- Pecuniary jurisdiction: The monetary ceiling under which a court may be able to accept the cases.

Statutory Provisions

The main provisions concerning jurisdiction are from the Code of Civil Procedure, 1908:

- Section 9: This section states that civil courts have the right to judge all civil suits unless such their jurisdiction is disallowed by law. It determines the scope of the general jurisdiction for civil courts.
- Section 20: It defines the territorial jurisdiction to file the legal proceeding that the lawsuit is allowed to be filed in the place where the defendant is or where the event has taken place.
- Sections 15 to 19: These sections cover situations where jurisdiction is limited or specially provided, e.g., immovable property-related (Section 16), company affairs or special jurisdiction-related (Section 17-19).

Principles of Jurisdiction

Jurisdiction is based on the main principles such as:

- Forum of residence: Most of the time a suit may be brought in the place where the defendant lives or conducts business.
- Cause of action: The court may examine the case if the court jurisdiction is there due to the whole or partial cause of the matter arising there.

- Closest connection: Usually courts choose that particular jurisdiction where either the defendant or the cause of the action has the closest link.
- Exclusive jurisdiction: Exclusive authority is provided by some legislations (e.g., Family Courts, Consumer Forums).

Jurisdiction and Cause of Action

It is very important for the authorities to be aware of the existence and location of the cause of action when they are deciding about jurisdiction. The territorial jurisdiction is determined on the basis of the place where the cause of action occurred. The plaintiff is allowed to institute a suit in: The court located within the area where the defendant is or carries on his business.

The court in which some part of the cause of action occurred.

Jurisdictional Bars

- There are some instances where people are not allowed to bring suits in civil courts:
- Orders of tribunals or special courts: for example, Automotive Tribunals, Consumer Forums.
- Res Judicata: A suit that has been decided and is therefore excluded by the principle of res judicata.

Landmark Case :

Abstract: Ramana Dayaram Shetty v. International Airport Authority of India (1979)

The Supreme Court of India in its landmark verdict in *Ramana Dayaram Shetty v. International Airport Authority of India* (AIR 1979 SC 1628) firmly established the concept of fair play and non-arbitrariness in control of administrative tenders. The case was about a tender for a contract issued by the International Airport Authority to operate the restaurant at Bombay Airport. The appellant filed a petition challenging the resorting of the Airport Authority to the acceptance of a tender which was not qualified as per the requirements laid down in the notice of the tender, in particular, with regard to the experience and registration requirements.

The Court declared that the decision of the Airport Authority to give the green light to the ineligible tender was, as it were, an illegal and unlawful act which violated the rule of law and hence it was arbitrary, as it infringed the principle of equal opportunity laid down in Article 14 of the Constitution. The Court made a point that public authorities should comply with the criteria for eligibility they themselves set and they cannot behave in a totally unpredictable manner. This ruling was instrumental in consolidating the doctrine of legitimate expectation and the constitutional injunction against arbitrariness thus it was a major step towards administrative fairness.

Findings and Discussion

- **Cause of Action Explanation:**

The study has confirmed that a cause of action is a necessity if one is to bring a civil suit. This, in fact, is both the legal and the factual basis which courts, without exception, refuse to interact with. To rid the courts of people who go there with no such element, thus making a mockery of the legal system, courts employ very strictly Order VII Rule 11 CPC.

- **Relationship with Jurisdiction:**

Cause of action is the most important factor that determines the area of the local court under Section 20 CPC. The place where the event that gave rise to the cause of action occurred, shows thus the territorial jurisdiction of that court where the filing is done and from which district court the case will be heard, thus ensuring that the plaintiff and the defendant are equally treated.

- **Judicial Consistency and Clarity:**

Judgments of high courts in matters like T. Arivandandam v. T.V. Satyapal, Om Prakash Srivastava, and Ramana Dayaram Shetty have brought clarity in issues of cause of action and jurisdiction. They convey the same message that these legal issues have to be handled in accordance with natural justice, procedural law, and legal principles.

- **Problem in Implementing Law:**

Legal provisions about the issues seem well thought out, but the reality is that problems still exist: Misdirected pleadings very often bring about wrong or defective causes of action. Disputes as to territorial jurisdiction cause a large number of cases going to different courts and a waste of time. Sometimes different courts adopt varying degrees of strictness while applying the cause of action standards which leads to inconsistency in their judgments.

- **Importance of Access to Justice:**

The cause of action and jurisdiction criteria help maintain a fine balance between the courts' efficiency and the rights of those involved in the proceedings. Be that as it may, an excessively technical way of applying those criteria might at times be a hindrance to substantive justice, especially if the parties are unrepresented or belong to the group of socially disadvantaged people

Conclusion: Cause of Action and Jurisdiction

The rule of cause of action and the rule of jurisdiction are twin pillars of the constitutional scheme of civil procedure under the Code of Civil Procedure, 1908. Cause of action refers to facts and grounds on which a plaintiff has the right to sue — it is the package of facts that constitute a claim capable of enforcement in law. Lacking a cause of action, courts simply refuse to hear suits, thereby eliminating frivolous or vexatious litigation at an early point under Order VII Rule 11 CPC.

Jurisdiction, on the other hand, determines the authority of a court to try and dispose of a controversy. It encompasses territorial jurisdiction, subject matter jurisdiction, and pecuniary jurisdiction. The nexus between jurisdiction and cause of action is close and enables suits to be filed in the appropriate court empowered to decide the controversy, protecting the convenience and rights of parties.

Together, these canons guarantee judicial effectiveness, procedural justice, and effective administration of justice. They obligate plaintiffs to structure well-articulated and legally valid claims in the proper fora, thereby maintaining the integrity and orderliness of civil adjudication. Path breaking judicial dicta have inevitably highlighted their importance for upholding the rule of law and prevents abuse of court proceedings. Understanding and effective utilization of cause of action and jurisdiction provisions are critical for attorneys, litigants, and judges alike to deliver fair outcomes and ensure public confidence in the judiciary.

Suggestions/Recommendations:

Plead Material Facts Clearly:

The plaint (or complaint) should clearly set out all material facts that form the cause of action. Do not use vague or general terms; the facts should be clear and specific so the defendant can comprehend the claim and prepare a defense efficiently.

Include All Elements:

Make sure that the facts alleged encompass all the elements of the particular legal claim (e.g., for negligence: duty, breach, causation, and damages). Omitting the same will result in the dismissal of the plaint.

Show Causation and Injury:

Properly prove a direct connection between the defendant's act or failure to act and the particular injury, loss, or harm incurred by the plaintiff. The injury should be discernible and measurable.

Do Not Plead Evidence:

Plead the material facts themselves and not the evidence to prove those facts.

Jurisdiction

Jurisdiction is the power of the court to decide and hear a case, established by territorial boundaries, monetary worth (pecuniary), and subject matter.

Suggestions/Recommendations:

Check All Jurisdictional Modes:

Prior to filing, ensure the court possesses subject matter, pecuniary, and territorial jurisdiction to adjudicate the particular case.

Relation to Cause of Action:

Jurisdiction frequently rests upon where the cause of action, in part or whole, occurs, or where the defendant is resident or carries on business. Explicitly set out the facts within the plaint that illustrate the selected court has the correct jurisdiction.

Address Jurisdictional Provisions in Contracts:

If the controversy springs from a contract, make sure the filing conforms to any valid, clearly worded, and unambiguous governing law and jurisdiction provisions (e.g., exclusive or non-exclusive) in the contract. Parties typically cannot, by consent, grant jurisdiction to a court that is legally lacking, but they may agree to one out of several courts that do possess valid jurisdiction.

Raise Objections Early:

Any objections to jurisdiction (particularly territorial or pecuniary) must be made at the earliest available time during the initial court proceedings, or they will be waived.

Bear in Mind Convenience and Enforcement:

When selecting from a plurality of available jurisdictions (e.g., in contract disputes), bear in mind practical considerations such as expense, witnesses' locations, and the simplicity of enforcing a possible judgment in the place where the defendant's assets are located.

Bibliography

- Takwani, C.K.; "Civil Procedure (CPC) with Limitation Act, 1963".
- Jain, M.P.; "The Code of Civil Procedure".
- The Constitution of India, 1950. Government of India.
- Google search
- U-tube