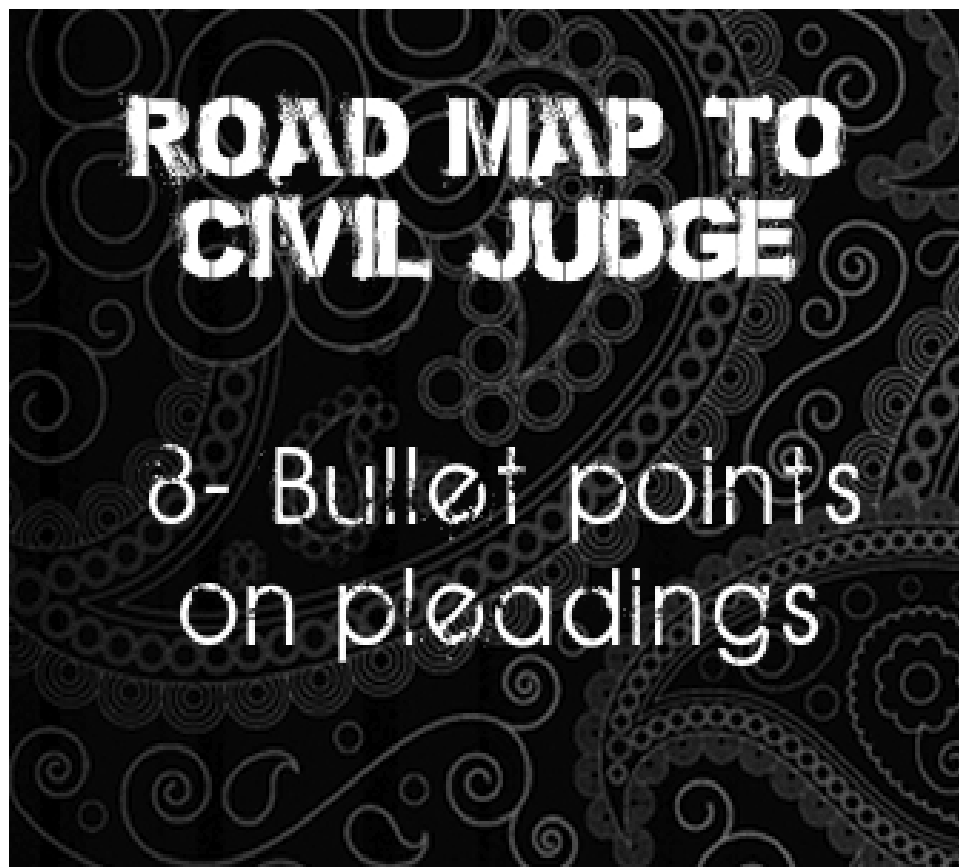


LAWXPERTS.

WHY YOU SHOULD STUDY THIS ?

1. HIGH QUALITY.
2. BASED ON STANDARD SOURCES
3. POSSIBILITY OF DIRECT QUESTIONS
4. COMPLETELY SYLLABUS-ORIENTED.



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8-BULLET POINTS ON PRINCIPLES OF PLEADINGS

Point 1 – Pleadings = plaint + written statement- Replication does not constitute pleadings – *Bir Singh vs Kisan Chand, AIR 2007 HP 24.*

Point 2- No proof can substitute pleadings – *Abubakar Abdul Inamdar vs Harun Abdul Inamdar* , *AIR 1996 SC 112* i.e., In adequate pleadings – any amount of evidence without adequate pleadings would be of no consequence- *CCY Vs JA Gupta.*

Point 3 – No abandonment of pleadings without cogent evidence- pleadings = admissions – it cannot be permitted to be abandoned – *DC Adak vs G. Patra* .

Point 4- Object of pleadings – intimation about the case to other side, enable the court to understand real controversy, prevent deviation from course of litigation- *Ganesh Trading Co vs. Moji Ram.* – Order VI Rule 17 – to achieve this object pleadings can be amended at any stage with leave of court but before entering the trial- 2002 CPC amendment.

Point 5- Plead facts(material facts) not law – It is the duty of the court to apply law to facts proved and found- *Kedar lal vs. Harilal.* Pleadings must be specific with necessary details.

Brain Tickle ! – The defendant failed to make a specific plea of non maintainability of the suit in written statement, Can he raise that issue before the court ? Yes !Plea of non maintainability of suit is legal plea thus can be taken even if there is no specific issue- *Rajasthan vs. Kalyan Singh.*

Quick Bit ! Question of fact- specific pleading required

Question of law – no specific pleadings required.

Mixed question of fact and law- specific pleadings required- *Ram Prasad vs.*

State of MP.

Point 6- No relief outside plaint- *Trojan Co vs. Nagappa* – Court may allow valid amendment as per Order VI Rule 17 and grant required relief.

Point 7- Pleadings not to be strictly / mechanically construed. Not the form of pleading but the substance of the pleading must be considered- *Ram Sarup Gupta vs Bishun Narain Inter College.*

Point 8- No person can approbate and reprobate pleadings- pleas mutually destructive of each other not allowed – *Indubhai vs Jawaharlal.* Alternative pleas are allowed.

NOTE- DETAILED ANALYSIS OF EACH RULE IN ORDER VI WITH APT CASE LAWS IS AVAILABLE IN NOTES.