



Types of Suits under CPC

*(with Example, Grounds
& Who Can File)*

01

Suit for Recovery of Money

Purpose	To recover money due.
Relevant Provisions	Order IV, Order VII CPC; Limitation 3 years.

Who Can File

- The person to whom money is owed (creditor).
- A company, firm, individual, legal representative or assignee of debt.

Grounds

- Goods/services supplied but payment not made
- Friendly loan unpaid
- Contract breached

Example

A sells goods worth ₹1,50,000 to B. B does not pay. → A files recovery suit.

02

Summary Suit

Purpose	Speedy disposal where liability is clear and undisputed.
Relevant Provisions	Order 37 CPC

Who Can File

- Any party holding a written and clear debt, e.g., creditor, vendor, lender, bank, finance company.

Grounds

- Dishonoured cheque
- Promissory note not paid
- Written contract with fixed amount due

Example

A cheque of ₹50,000 bounces → Summary Suit under O.37.

03

Suit for Specific Performance

Purpose	To compel performance of a contract.
Relevant Law	Specific Relief Act, 1963 Exact sections from the Specific Relief Act, 1963
Relevant Provision	<p>Sections 9, 10, 11, 12, 14, 16, 19, and 20 of the <i>Specific Relief Act, 1963</i></p> <ul style="list-style-type: none"> • Section 10: When specific performance is enforceable • Section 14: Contracts not specifically enforceable (e.g., personal service, determinable contracts) • Section 16: Personal bars to relief (e.g., plaintiff not ready and willing) • Section 19: Against whom specific performance may be enforced • Section 20: Discretion of court to grant decree

Who Can File

- The party ready and willing to perform their part of the contract.

Grounds

- Valid enforceable agreement
- Plaintiff fulfilled his obligations
- Defendant refused to perform

Example

Seller refuses to execute sale deed after taking advance → Buyer files suit.

04

Suit for Injunction (Temporary & Permanent)

Purpose	To prevent or compel an act.
Relevant Provisions	<ul style="list-style-type: none"> • Temporary Injunction → Order 39 CPC • Permanent Injunction → Specific Relief Act
Relevant Sections (Specific Relief Act)	<ul style="list-style-type: none"> • Section 36: Preventive relief may be granted by injunction. • Section 37: Temporary and perpetual injunctions defined. • Section 38: Perpetual injunctions when granted — e.g., to prevent violation of plaintiff's rights. • Section 39: Mandatory injunctions — to compel the performance of certain acts to prevent breach. • Section 40: Damages may be claimed in addition to or in substitution of injunction. • Section 41: Cases where injunction cannot be granted (e.g., restraining judicial proceedings, personal contracts). • Section 42: Injunction to perform negative agreement (where party agreed not to do something).

Who Can File

- Any person whose right is being threatened (owner, occupant, tenant, licensee).

Grounds

- Threat of dispossession
- Encroachment
- Illegal construction

Example

Owner files injunction to stop neighbor from trespassing.

05

Eviction / Ejectment Suit

Purpose	To remove a tenant and recover possession.
Law	<ul style="list-style-type: none"> • Transfer of Property Act (Sec. 106), CPC
Relevant Laws	<ul style="list-style-type: none"> • Transfer of Property Act, 1882 – Sections 106, 111 (termination and determination of lease) • Code of Civil Procedure, 1908 – Order VII (plaint filing), Order XX Rule 12 (decree for possession and mesne profits) • Specific Relief Act, 1963 – Sections 5 & 6 (for recovery and protection of possession)
Relevant SRA Sections (contextual)	<ul style="list-style-type: none"> • Section 5: Right to possession of property — a person entitled to possession may recover it through court. • Section 6: Protection of possession — even a person in lawful possession (like a tenant) cannot be dispossessed unlawfully without due process

Who Can File

- **Landlord, owner**, property manager, or authorised person (power of attorney).

Grounds

- Non-payment of rent
- Lease expiry
- Unauthorized subletting
- Personal bona fide requirement

Example

Tenant stops paying rent → Eviction suit filed.

06

Suit for Declaration

Purpose	To declare title or legal status.
Relevant Law	Section 34, Specific Relief Act

Who Can File

- A person whose legal right is being denied or disputed.

Grounds

- Dispute over ownership
- Wrong name in revenue records
- False claims of rights

Example

A files suit to declare himself lawful owner of ancestral property.

07

Suit for Partition

Purpose	Division of joint family or co-owned property.
Relevant Provision	Order 20 Rule 18 CPC

Who Can File

- Any co-sharer / co-owner / coparcener claiming share.

Grounds

- Joint undivided property
- One member refusing fair division

Example

Three siblings inherit land → One issues partition suit.

08

Suit for Damages

Purpose	Compensation for loss/injury.
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Who Can File

- Injured party (person or company).

Grounds

- Defamation
- Negligence
- Harm to property or business

Example

Person files defamation suit claiming damages.

09

Mortgage / Foreclosure Suit

Purpose	To enforce mortgage rights.
Relevant Provision	Order 34 CPC

Who Can File

- Mortgagee (lender/bank) when borrower defaults.

Example

Bank files foreclosure suit due to loan non-payment.

Quick Table (with Who Can File)

Type of Suit	Provision	Who Can File	Purpose
Money Recovery	O.4 & O.7	Creditor / lender	Recover unpaid dues
Summary Suit	O.37 CPC	Holder of written debt / cheque	Fast recovery
Specific Performance	SRA, 1963	Ready & willing party	Enforce contract
Injunction Suit	O.39 / SRA	Person whose right is threatened	Prevent or compel act
Eviction Suit	TPA 106 + CPC	Landlord/Owner	Evict tenant and regain possession
Declaration Suit	S.34 SRA	Person whose right is denied	Declare title/status
Partition Suit	O.20 R.18	Co-owner / coparcener	Divide joint property
Damages Suit	CPC + Tort/Contract	Aggrieved party	Compensation
Mortgage/Foreclosure Suit	O.34 CPC	Bank / mortgagee	Enforce mortgage
Money Recovery	O.4 & O.7	Creditor / lender	Recover unpaid dues