

CPC Law Judgments



A Monthly Wrap | **September 2026** 

Title and Case details	Case Brief
Supreme Court: Receiver Under Order XL CPC Can Take Possession of Partnership Assets for Final Decree V. Sumitra Reddy and Ors. Vs. K. Ranganadha Reddy and Ors. (MANU/SC/1012/2026; 2026 INSC 979)	The Supreme Court has upheld the use of Order XL Rule 1 CPC in final decree proceedings to enable a court-appointed Receiver/Commissioner to take possession of partnership assets, assess their value and facilitate their sale where necessary for settlement of partners' shares. The Court held that where assets of a dissolved partnership have not been lawfully distributed, the Commissioner may proceed with valuation and sale so that the proceeds can be apportioned among the partners according to their respective shares.
Supreme Court: High Court May Interfere with Concurrent Findings Under Section 100 CPC Where Law Is Misapplied Bhag Singh (D) thr. Mahant Kashmir Singh Vs. Basant Kaur (D) thr. L.Rs. and Ors. (MANU/SC/1016/2026; 2026 INSC 983)	The Supreme Court has held that although the High Court ordinarily cannot disturb concurrent findings of fact in a second appeal under Section 100 CPC, interference is permissible where such findings are based on misapplication of law, absence or disregard of material evidence, or an erroneous understanding of settled legal principles. Upholding the High Court's interference, the Court found that the courts below had wrongly treated revenue entries as conclusive proof of title and equated long possession with adverse possession without establishing hostile animus.

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Supreme Court: Admissibility of Document Cannot Be a Ground to Reject Complaint Under Order VII Rule 11 CPC Sheo Kumar Singh and Ors. Vs. Sharda Educational Society and Ors. (MANU/SC/1040/2026; 2026 INSC 1011)	The Supreme Court has held that the admissibility or otherwise of a document relied upon by the plaintiff cannot be examined while deciding an application under Order VII Rule 11(a) and/or (d) CPC. The Court reiterated that at this stage, only the averments in the plaint and documents filed with it are relevant, while the defendant's objections cannot determine rejection of the plaint. Whether an unregistered document is admissible or can be relied upon for a collateral purpose under Section 49 of the Registration Act, 1908 is a matter to be decided during trial after evidence is led. Holding that the plaint disclosed a cause of action and was not barred by law, the Court rejected the application for rejection of the plaint.
Supreme Court: No Interim Orders Before Grant of Leave Under Section 92 CPC S. Panchalingu and Ors. Vs. People's Education Trust (R) and Ors. (MANU/SC/1046/2026; 2026 INSC 1010)	The Supreme Court has held that a Civil Court dealing with a suit under Section 92 CPC cannot pass protective or preservative interim orders, including appointment of a receiver under Order XL Rule 1 CPC, before leave to institute the suit is granted. The Court observed that leave under Section 92 is a mandatory threshold requirement, and, until such leave is granted, there is no validly instituted suit in which interlocutory powers under Sections 94, 141 or 151 CPC can be exercised. However, in cases of compelling urgency, the Court may grant leave ex parte after recording reasons and thereafter consider interim relief.
Supreme Court: Conditional Deposit Does Not Stop Interest Under Order XXI Rule 1 CPC National Seeds Corporation Ltd. Vs. National Agro Seed Corporation (India) (MANU/SC/1047/2026; 2026 INSC 1017)	The Supreme Court has held that depositing the awarded amount in court does not automatically discharge the debtor's liability to pay interest under Order XXI Rule 1 CPC. The Court clarified that a deposit must be unconditional and available for withdrawal by the decree-holder to qualify as payment in satisfaction of the decree. Where the debtor opposes withdrawal or the amount cannot be freely accessed, interest continues to accrue. Applying these principles to the enforcement of an arbitral award, the Court upheld the award-holder's entitlement to 12% annual interest until September 8, 2022, when unconditional release of the deposited amount was permitted.

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Supreme Court: Anti-Suit Injunction Under Order XXXIX CPC Cannot Be Granted on Speculative Grounds Mihir Prakash Bajoria Vs. Vidushi Jain Bajoria (MANU/SC/1063/2026; 2026 INSC 1034)	The Supreme Court has held that an anti-suit injunction under Order XXXIX Rules 1 and 2 read with Section 151 CPC must be granted sparingly, keeping in mind judicial comity and whether foreign proceedings are oppressive or vexatious. The Court clarified that the mere possibility of a future foreign divorce decree being unenforceable in India under Section 13 CPC is insufficient to restrain ongoing proceedings. Upholding the Calcutta High Court's decision, it affirmed the vacation of the injunction restraining the wife from pursuing matrimonial proceedings before the UK Family Court.
Supreme Court: Order XIV Rule 2 CPC Cannot Be Invoked to Decide Preliminary Issue After Trial Has Commenced John Mathew Vs. Santha Paul and Ors. (MANU/SC/1058/2026; 2026 INSC 1020)	The Supreme Court has held that Order XIV Rule 2(2) CPC permits courts to try a pure question of law relating to jurisdiction or a statutory bar as a preliminary issue, even after all issues have been framed, provided the trial on the issues generally has not commenced. Once evidence on the issues is being recorded, an issue cannot subsequently be separated for preliminary adjudication. The Court further clarified that Section 151 CPC cannot override these procedural limitations. Setting aside the orders of the courts below, it restored the suit for trial on all issues, including limitation, without deciding the merits of that plea.
Delhi High Court: Decree on Admissions Under Order XII Rule 6 CPC Can Be Passed Even After Issues Are Framed Anil Kumar and Ors. Vs. Rangil Lal (MANU/DE/6759/2026; 2026: DHC: 7735)	The Delhi High Court has held that framing of issues does not bar a court from passing a decree on admissions under Order XII Rule 6 CPC, where the pleadings disclose clear, categorical and unequivocal admissions and no genuine triable issue survives. Upholding the decree for possession, the Court found that the defendants had repeatedly admitted the plaintiff's absolute ownership and had failed to establish any independent right, title or interest in the property.

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Delhi High Court: 120-Day Limit for Written Statement in Commercial Suits Is Mandatory Under Order VIII Rule 1 CPC Pinnacle Innovatory Services Private Limited Vs. Raj Kumar Singhal (MANU/DE/6849/2026; 2026: DHC: 7836)	The Delhi High Court has held that the 120-day outer limit for filing a written statement under Order VIII Rule 1 CPC, as amended by the Commercial Courts Act, 2015 is mandatory and cannot be extended or condoned once expired. The Court observed that even reckoning service from the later date of 20 March 2024, the statutory period expired in July 2024, whereas the written statement was filed only in December 2024. It further held that a review under Order XLVII Rule 1 read with Section 114 CPC cannot be used to re-argue issues already decided in the absence of new evidence or an error apparent on the face of the record. The Court therefore upheld forfeiture of the defendant’s right to file the written statement and dismissal of the review application.
Delhi High Court: Amendment of Written Statement Under Order VI Rule 17 CPC Can Be Allowed to Correct Bona Fide Errors Manju Gaind Vs. Kamla Rani and Ors. (MANU/DE/6861/2026; 2026: DHC: 7816-DB)	The Delhi High Court has held that courts should adopt a liberal approach while considering amendment of a written statement under Order VI Rule 17 CPC, particularly where the amendment merely corrects an internal inconsistency and does not introduce a new defence, withdraw a genuine admission, or fundamentally alter the nature of the suit. The Court reiterated that amendments necessary for effective adjudication should ordinarily be permitted where they are bona fide and do not cause irreparable prejudice to the opposite party. Upholding the amendment, it found that the changes only clarified the existing pleadings and preserved the plaintiff’s rights for determination at trial.

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Delhi High Court: Order VII Rules 10 & 11 CPC Must Be Tested on Plaintiff Averments Government of Canada Vs. Sanjay Madan and Ors. (MANU/DE/6497/2026; 2026: DHC: 7418)	The Delhi High Court has held that applications for return or rejection of a plaint under Order VII Rules 10 and 11 CPC must be decided primarily on the averments in the plaint and documents filed with it, without examining the defendant's case at that stage. The Court further held that where limitation involves disputed facts, including the discovery of alleged fraud, the plaint cannot be rejected under Order VII Rule 11(d) CPC at the threshold. It also found territorial jurisdiction under Section 20 CPC where part of the cause of action arose in Delhi and reiterated that forum non conveniens cannot ordinarily be used to non-suit a plaintiff in a civil suit governed by the CPC.
Bombay High Court: Order XVIII Rule 3-A CPC Does Not Permit Party to Enter Witness Box After Entire Evidence Is Closed Sudhakar Vs. Vijay and Ors. (MANU/MH/5853/2026; 2026: BHC-AUG:41952)	The Bombay High Court has held that the expression “at a later stage” under Order XVIII Rule 3-A CPC does not mean “at any stage” of the suit. A party may be permitted to enter the witness box after examining other witnesses only while its evidence is still open, and not after both sides have closed evidence, and the matter is fixed for hearing. The Court further held that Section 151 CPC cannot be invoked to fill lacunae in evidence or override the statutory scheme and dismissed the petition with costs.
J&K High Court: Fresh Interference Gives New Cause of Action; Order II Rule 2 CPC No Bar Hassan Sheikh and Ors. Vs. Abdul Hamid Turey and Ors. (MANU/JK/0772/2026; RFA No. 27/2019)	The Jammu & Kashmir and Ladakh High Court have held that Order II Rule 2 CPC does not bar a subsequent injunction suit where a fresh act of interference, threat or trespass gives rise to a new and recurring cause of action. The Court observed that withdrawal of an earlier injunction suit without adjudication on merits would also not operate as res judicata or constructive res judicata and upheld the decree protecting the plaintiffs' settled possession.

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Allahabad High Court: Section 151 CPC Cannot Be Used to Set Aside Permanent Lok Adalat Award Kamta Prasad and Ors. Vs. Dhani Ram Bharti and Ors. (MANU/UP/2341/2026; 2026: AHC: 189825)	The Allahabad High Court has held that an award of a Permanent Lok Adalat, being final and binding, cannot be reopened through an application under Section 151 CPC, an ordinary civil suit or execution proceedings. The Court observed that any challenge to such an award must be made before the High Court under Articles 226/227 of the Constitution and accordingly set aside the revisional order that had remanded the Section 151 CPC application for fresh consideration.
Uttarakhand High Court: 120-Day Limit Under Order VIII Rule 1 CPC in Commercial Suits Runs from Service of Summons Autoline Industries Limited Vs. State of Uttarakhand and Ors. (MANU/UC/0466/2026; 2026:UHC:8171-DB)	The Uttarakhand High Court has held that in a commercial suit, the 120-day outer limit for filing a written statement under Order VIII Rule 1 CPC begins from the date of service of summons and cannot be recalculated from a subsequent order granting further time to file the defence. The Court observed that the Commercial Courts Act, 2015 makes the timeline mandatory, and once 120 days expire, the defendant forfeits the right to file the written statement and the court has no power to take it on record. It further held that filing an application for summoning records of earlier proceedings cannot suspend or extend the statutory period. Accordingly, the Court upheld the Commercial Court's order forfeiting the defendant's right to file the written statement.
Andhra Pradesh High Court: Court Can Implead Proper Party Under Order I Rule 10(2) CPC Despite Plaintiff's Objection M. Govardhana Naidu Vs. Maddina Venkata Subbaiah and Ors. (MANU/AP/1670/2026; CRP No.1654 of 2026)	The Andhra Pradesh High Court has held that the plaintiff's status as dominus litis is subject to the Court's discretion under Order I Rule 10(2) CPC to implead a necessary or proper party for effective adjudication. The Court observed that a person claiming rights in the same property under a Will could be added as a defendant where his presence would help resolve the dispute completely and avoid multiplicity of proceedings. Accordingly, it set aside the trial court's order and directed impleadment of the proposed party, leaving the genuineness of the Will and competing property claims to be decided at trial.

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Jharkhand High Court: Order Under Order XXI Rule 98 CPC Has Force of Decree; Appeal Lies Under Rule 103 Shankar Lal Gupta and Ors. Vs. Rajeshwari Devi (MANU/JH/1413/2026; 2026:JHHC:26772)	The Jharkhand High Court has held that where an executing court adjudicates an obstruction claim under Order XXI Rules 97, 99 and 101 CPC, the resulting order is deemed to have the force of a decree under Order XXI Rule 103 CPC and is therefore appealable. The Court clarified that such adjudication need not always involve a detailed evidentiary enquiry; it may also be based on admitted facts or pleadings. Since the executing court had adjudicated the petitioners' claim and rejected it on merits, a petition under Article 227 was held not maintainable, and the proper remedy was an appeal.
Kerala High Court: Review Under Order XLVII Rule 1 CPC Cannot Be Used as Appeal in Disguise Charter School for Education & Research and Ors. Vs. Regional Micro and Small Enterprise Facilitation Council and Ors. (MANU/KE/2801/2026; 2026:KER:68739)	The Kerala High Court has reiterated that the power of review under Section 114 read with Order XLVII Rule 1 CPC is confined to discovery of new and important evidence despite due diligence, an error apparent on the face of the record, or any other sufficient reason. The Court held that review jurisdiction cannot be invoked to reargue issues already decided on merits or secure a rehearing of the case. It further observed that subsequently producing additional documents, which could have been placed earlier, does not by itself justify review. Finding that the petitioners were attempting to reopen the earlier decision, the Court dismissed the review petition.
Orissa High Court: Section 151 CPC Can Be Invoked to Dismiss Suit Constituting Abuse of Court Process Bonai Industrial Co. Ltd. Vs. Purna Chandra Rout and Ors. (MANU/OR/1154/2026; 2026:OHC:125)	The Orissa High Court has held that Section 151 CPC empowers courts to dismiss proceedings where their continuation amounts to abuse of judicial process, even if the strict requirements of res judicata under Section 11 CPC are not satisfied. The Court clarified that merely changing the parties or reliefs cannot justify repeated litigation over the same substantive dispute. It further observed that Order I Rule 8 CPC does not confer substantive rights on persons lacking an independent cause of action. Finding that the plaintiffs sought to reopen an extensively litigated dispute concerning a company's shareholding and mining operations, the Court set aside the trial court's order and dismissed the suit against the petitioner-company.

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Allahabad High Court: Sets Aside Forfeiture of Right to File Written Statements in Commercial Suit Following Plaintiff's Consent Gracure Pharmaceuticals Limited Vs. Jubiant Generics Ltd. and Ors. (MANU/UP/2364/2026; 2026: AHC: 191993)	The Allahabad High Court has reiterated that the 120-day limit for filing written statements under Order VIII Rule 1 CPC in commercial suits is mandatory. In a dispute concerning pharmaceutical product dossiers, the defendants alleged that they had not received complete documents with the summons under Order V Rule 2 CPC. In view of the plaintiff's consent to accept the written statements, the Court set aside the order forfeiting the defendants' right to file them and directed the Commercial Court to decide the pending application concerning confidential documents and permit additional written statements, if required.