

A THE CENTRAL PROVIDENT FUND COMMISSIONER,  
NEW DELHI AND ORS.

v.

LALA J.R. EDUCATION SOCIETY AND ORS.

B (Civil Appeal No. 9840 of 2016)

SEPTEMBER 26, 2016

**[KURIAN JOSEPH AND R. F. NARIMAN, JJ.]**

C *Code of Civil Procedure, 1908 – O.VII, r.11 – Rejection of  
Plaint – Dismissal of suit – Civil suit filed by respondents –  
Application of appellant u/O.VII, r.11 rejected – Appellant seeking  
dismissal of suit at the threshold, stating crucial facts were  
suppressed in plaint – Held: On an application filed u/  
O.VII,r.11,C.P.C, the Civil court can only see the pleadings in the  
D of plaint and not anything else including written statement – Rejection  
of plaint on institutional grounds is different from dismissal of a  
suit at pre-trial stage on the ground of maintainability – For dismissal  
on a preliminary issue, the Court is entitled and liable to look into  
entire documents including those furnished by the defendant –  
Appeal dismissed, however appellant permitted to raise a preliminary  
E issue on the maintainability of the suit before the trial court.*

*Dhulabhai and Others v. The State of Madhya Pradesh  
and Anr. (1968) 3 SCR 662 – referred to.*

**Case Law Reference**

F (1968) 3 SCR 662 referred to Para 6

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 9840  
of 2016.

From the Judgment and Order dated 02.02.2016 of the High Court  
of Punjab & Haryana at Chandigarh in C. R. No. 1922 of 2013 (O & M).

G Jojo Jose, Shishir Pinaki, Rajiv Kumar Sinha, Rameshwar Prasad  
Goyal, Advs. for the Appellants.

The Judgment of the Court was delivered by

**KURIAN, J.** 1. Delay condoned.

H 2. Leave granted.

3. Appellants are aggrieved since the application filed under Order VII, Rule 11, CPC has been rejected. A

4. According to the appellants, the respondents having exhausted all the remedies under the Employees Provident Funds and Miscellaneous Provisions Act, 1952, cannot thereafter approach the Civil Court, which is barred under Section 7L(4) of the Employees Provident Funds and Miscellaneous Provisions Act, 1952. B

5. On an application filed under Order VII, Rule 11, CPC, the Civil Court can only see the pleadings in the plaint and not anything else including written statement.

6. The main grievance urged in the plaint is that the procedure under the Act has not been followed and, therefore, the appellants are entitled to file a suit. If that be so, the plaintiff is entitled to file a suit, as held by this Court in the case of *Dhulabhai and Others Vs. The State of Madhya Pradesh and Anr.* reported in (1968) 3 SCR 662. C

7. According to the appellants, the respondents have suppressed crucial facts in the plaint, which if seen, the suit is only to be dismissed at the threshold. Rejection of a plaint on institutional grounds is different from dismissal of a suit at pre-trial stage on the ground of maintainability. For dismissal on a preliminary issue, the Court is entitled and liable to look into the entire documents including those furnished by the defendant. D E

8. In view of the above observations, the appeal is dismissed.

9. However, we permit the appellants to raise a preliminary issue on the maintainability of the suit, in which case, before proceeding with the trial, the trial court shall deal with the same in accordance with law. F

No costs.