

*** THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**
THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

APPEAL SUIT NO.202 OF 2026

% 24.04.2026

#. Lakkavajjula Sai Praneet

.....Appellant

And:

\$. Union Bank of India

.... respondent

! Counsel for the petitioner : Sri T.V.P. Sai Vihari

^Counsel for the respondents :

<Gist:

>Head Note:

? Cases referred:

1. 2025 SCC Online AP 3461
2. 2023(3) ALT 16

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

* * * *

APPEAL SUIT NO.202 OF 2026**Between:**

Lakkavajjula Sai Praneet

..... APPELLANT**AND**

Union Bank of India

....RESPONDENT**DATE OF JUDGMENT: 24.04.2026****SUBMITTED FOR APPROVAL:****THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI****THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**

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|---|--------|
| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3. Whether Your Lordships wish to see the fair copy of the Judgment? | Yes/No |

RAVI NATH TILHARI,J

BALAJI MEDAMALLI,J

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

APPEAL SUIT NO: 202 OF 2026

JUDGMENT:-*(per Hon'ble Sri Justice Ravi NathTilhari)*

Heard Sri T.V.P.Sai Vihari, learned counsel for the appellant.

2. The plaint has been rejected at the stage of registration and so there is no need to issue notice to the respondent/defendant.

3. The appellant/plaintiff filed a suit, seeking for rendition of accounts against the Bank/defendant, which was numbered as GL.No.894, dated 13.02.2026 in the Court of the learned II Additional District Judge, Vijayawada.

4. The learned II Additional District Judge has rejected the plaint at the stage of registration by decree dated 06.03.2026 on the ground that “the plaintiff has no cause of action to maintain the suit for rendition of accounts against the defendant-Bank as he failed to show any such right is created or recognized under a statue or based in his favour and there is fiduciary relationship of beneficiary and trusty between the plaintiff and the defendant or in equity the rendition of accounts is the only relief which will enable to him to assert his legal right never the plaint is not maintainable for want of cause of action and is liable to be rejected”.

5. Learned counsel for the appellant submits that the ground that, the plaintiff has no cause of action or for want of cause of action to maintain the suit, the plaint could not be rejected. It is not covered under order 7 Rule 11(a) of C.P.C., which provides that the rejection of the plaint can be only if

the plaint does not disclose the cause of action. He submits that the plaint discloses a cause of action. The cause of action are specifically mentioned in the plaint and are also shown under the head 'cause of action'. So, it is not a case of non-disclosure of the cause of action. Based on the cause of action, the suit would or would not be maintained is a matter to be seen only after registration of the suit and during the trial based on the evidence. Consequently, non-registration of the suit and rejection of plaint is not sustainable.

6. We have considered the aforesaid submissions and perused the material on record.

7. Order 7 Rule 11 reads as under:

"11. Rejection of plaint: The plaint shall be rejected in the following cases:

(a) where it does not disclose a cause of action;

(b) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;

(c) where the relief claimed is properly valued, but the plaint is returned upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;

(d) where the suit appears from the statement in the plaint to be barred by any law;

1[(e) where it is not filed in duplicate;

2[(f) where the plaintiff fails to comply with the provisions of rule 9];

3[Provided that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp-paper shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp-paper, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff]."

8. The order 7 Rule 11(a) of C.P.C., is very clear. The plaint can be rejected, under clause (a) of Rule 11, if it does not disclose the cause of action. So, if the plaint does not disclose cause of action, it has to be rejected. But where the cause of action has been disclosed in the plaint, the plaint cannot be rejected under Order 7 Rule 11 (a) of C.P.C.

9. ***In Gummadi Usha Rani and another v. Guduru Venkateswara Rao and others***¹, this Court held that the plaint could not be rejected under Order 7 Rule 11 C.P.C. at the stage of registration neither on the ground of 'barred by limitation' nor 'no cause of action'.

10. ***In Jillellamudi Jagadeesh and Ors v. Jillellamudi Subbayamma and Ors***², this Court held that at the stage of numbering the plaint, the Courts normally shall not go into merits of the matter. If on perusal of the plaint the plaint discloses cause of action, the Court shall number the suit. If the plaintiff fails to prove his claim/case during the trial, eventually he will be non-suited. But, if the plaint discloses cause of action, whether to the relief claimed the plaintiff would be entitled or not, will depend upon the evidence to be let in. At the stage of numbering of the suit, Court, normally, shall not go into merits of the suit and decides as to whether the plaintiff gets the relief or not.

11. Here the plaint discloses cause of action so the impugned decree cannot be sustained.

¹ 2025 SCC Online AP 3461

² 2023(3) ALT 16

12. The appeal deserves to be allowed setting aside the order of the rejection of the plaint with direction to the learned II Additional District Judge, Vijayawada, to register the suit and to proceed further in accordance with law.

13. ***In Gummadi Usha Rani*** (supra), Section 64 of the Andhra Pradesh Court Fees and Suits Valuation Act, 1956, was also considered by this Court on the point of refund of court fee in the appeal, in those cases where the plaint is rejected and the appeal is allowed. It was held as follows in paragraphs 39 to 45:

“39. Learned counsel for the appellants submitted that the appellants are entitled for refund of the court fee paid in appeal, under Sections 63 and 64 of the A.P. Court Fee and Suits Valuation Act, 1956 (for short, the Act, 1956). He relied in ***Veluru Prabhavathi*** (supra).

40. Sections 63 and 64 of the Act, 1956 read as under:

“63. Refund in cases in rejection of plaint, etc., for delay –

(1) Where a plaint or memorandum of appeal is rejected on the ground of delay in its representation or where the fee paid on a plaint or memorandum of appeal is insufficient and the deficit fee is not paid within the time allowed by the Court, or the delay in payment of the deficit fee is not condoned and the plaint or memorandum of appeal is consequently rejected, the Court may, in its discretion, direct the refund to the plaintiff or the appellant, of the fee, either in whole or in part, paid on the plaint or memorandum of appeal which was rejected.

(2) Where a memorandum of appeal is rejected on the ground that it was not presented within the time allowed by the law of limitation, one-half of the fee shall be refunded.

64. Refund in cases of remand –

(1) Where a plaint or memorandum of appeal rejected by the lower Court is ordered to be received, or where a suit is remanded in appeal for a fresh decision by the lower Court, the Court making the order or remanding the appeal may direct the refund to the appellant of the full amount of fee paid on the memorandum of appeal; and, if the remand is on second appeal, also on the memorandum of appeal in the first appellate Court, and, if the remand is in Letters Patent Appeal, also

on the memorandum of second appeal and memorandum of appeal in the first appellate Court.

(2) Where an appeal is remanded in Second Appeal or Letters Patent Appeal for a fresh decision by the lower appellate Court, the High Court remanding the appeal may direct the refund to the appellant of the full amount of fee paid on the memorandum of Second Appeal if the remand is in Second Appeal, and of the full amount of fee paid on the Memorandum of Second Appeal and the Memorandum of Letters Patent Appeal if the remand is in Letters Patent Appeal: Provided that no refund shall be ordered if the remand was due to the fault of the party who would otherwise be entitled to a refund: Provided further that, if the order of remand does not cover the whole of the subject-matter of the suit, the refund shall not extend to more than so much fee as would have been originally payable on that part of the subject matter in respect whereof the suit has been remanded."

41. A bare reading of the Section 63 of the Act, 1956 shows that where a plaint or memorandum of appeal is rejected on the ground of delay in its representation, the court may in its discretion direct the refund to the plaintiff or the appellant of the fee either in whole or in part paid on the plaint or memorandum of appeal which was rejected.

42. Section 64 of the Act, 1956 provides that where the plaint or the memorandum of appeal rejected by the lower court is ordered to be received, the court making the order may direct the refund to the appellant to the full amount of the fee paid on the memorandum of the appeal.

43. In **Veluru Prabhavathi** (supra), the refund was ordered, after setting aside the rejection of the plaint on the ground of limitation under Order 7 Rule 11 CPC, and allowing the appeal and remanding to the trial Court for fresh decision.

44. Para 16 of **Veluru Prabhavathi** (supra) is as under:

"16. **POINT No.3:** In view of findings in Point Nos.1 and 2 supra, the order of the trial Court rejecting the plaint is factually and legally unsustainable and liable to be set aside. So far as the prayer of learned counsel for the appellant for refund of court fees is concerned, Section 64 of the Andhra Pradesh Court-Fees and Suits Valuation Act, 1956 lays down that where a plaint or memorandum of appeal rejected by the lower Court is ordered to be received or where a suit is remanded in appeal for fresh decision by the lower Court, the court making the order or remanding the appeal may direct the refund to the appellant to the full amount of fee paid on the memorandum of appeal and if the remand is on second appeal, also on the memorandum of appeal in the first appellate Court and if the remand is in letters patent appeal, also on the memorandum of second appeal and memorandum of appeal in the first appellate Court. Since the order of the trial Court is set aside in this appeal, the appellant's request can be considered.

(1) Accordingly, this appeal is allowed and order dated 05.03.2024 in IA.10/2024 in OS No.87/2023 passed by learned VI Additional District Judge, Kadapa is set aside and the suit is restored to file with a direction to the trial Court to dispose of the suit on merits without being influenced by the observations made by this Court.

(2) The Registry is directed to refund the Court fee paid by the appellant in this appeal as per the procedure. No costs. As a sequel, interlocutory applications pending if any, shall stand closed."

45. Since the present appeal is being allowed setting aside the order of the rejection of the plaint with direction to the learned trial Court to receive the plaint and register the suit and to proceed as per law, the appellants are entitled for refund of the court fee paid on appeal".

14. The appeal is allowed. The order of the rejection of the plaint dated 06.03.2026, passed by the learned II Additional District Judge, Vijayawada, in G.L. No.894, dated 13.02.2026, is set aside.

15. We further direct the refund of the Court fee deposited in the appeal to the appellant as per the prescribed procedure in its bank account.

16. No order as to costs.

Consequently, the miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI,J

BALAJI MEDAMALLI,J

Dated:24.04.2026
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THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

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