

B.COM LL.B VI SEMESTER CPC

Unit-1 jurisdiction

TOPIC:- PARTIES TO SUIT

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INSTITUTE OF LAW

98272-26254

DATE:01-04-2020

INTRODUCTION:-

- Parties to suit are **plaintiff** and defendant. In pleading name, age, occupation and place of residence be mentioned. In case of more **plaintiff** or defendant parties shall be numbered consecutively. If a person is having legal disability, suit may be filed through guardian or next friend.

Who may be joined as plaintiffs

- All persons may be joined in one suit as plaintiffs where-
 - (a) any right to relief in respect of, or arising out of, the same act or transaction or series of acts or transactions is alleged to exist in such persons, whether jointly, severally or in the alternative; and
 - (b) if such persons brought separate suits, any common question of law or fact would arise.

Who may be joined as defendants

- All persons may be joined in one suit as defendants where-
 - (a)** any right to relief in respect of, or arising out of, the same act or transaction or series of acts or transactions is alleged to exist against such persons, whether jointly, severally or in the alternative; and
 - (b)** if separate suits were brought against such persons, any common question of law or fact would arise.

Joinder of parties liable on same contract

- The plaintiff may, at his option, join as parties to the same suit all or any of the persons severally, or jointly and severally, liable on any one contract, including parties to bills of exchange, hundis and promissory notes.

Mis-joinder and non-joinder

- No suit shall be defeated by reason of the mis-joinder or non-joinder of parties, and the Court may in every suit deal with the matter in controversy so far as regards the rights and interests of the parties actually before it:

Provided that nothing in this rule shall apply to non-joinder of a necessary party.

representative suit

- A **representative suit** is an exception to this rule. Order I rule 8 of CPC provides that when there are Number of persons similarly interested in a **suit**, one or more of them can, with the permission of court or upon a direction from the court , sue or to be sued on behalf of themselves and others.