

Pleading

Pleading in civil cases is a formal document in which a party to the legal proceeding sets forth or response to allegations, claims, denials, or defences.

Purpose of pleading

The purpose of pleading is twofold: firstly, to eradicate (as far as possible) irrelevancy and to isolate issues which are in dispute; secondly, to give reasonable notice the other party of the claim against him so that he may prepare his reply.^{^1}

Classes of pleadings

Pleading may be classified into four broad heads viz: (1) Pleading in a suit; (2) Pleadings in other civil proceedings before a court or tribunal; (3) Pleading in writ proceedings; (4) Pleadings in election petition.^{^2}

Pleading in a suit

Under the Code of Civil Procedure 1908 the main pleadings are plaint (the plaintiff's complaint) and written statement (the defendant's answer). Replication is plaintiff's answer to a defendants' plea. Rejoinder is defendant's answer to the plaintiff's reply.^{^3}

Rules of pleading

There are four fundamental rules of pleadings viz:

- (1) Every pleading must state facts and not law.
- (2) It must state all the material facts and material facts only.

¹ Paton 2004 p 595

² Mogha 2006

³ Mogha 2006

- (3) It must state only the facts on which the party pleading relies, and not the evidence by which they are to be proved.
- (4) It must state such facts concisely but with precision and certainty.⁴

Written argument / submission

In addition to the oral arguments, quite often counsels submit written arguments for the convenience of the judges and to ensure that no submission is missed.⁵ Such written arguments may contain: (1) cases of the respective party; (2) issues; (3) evidences; (4) critical analysis of the evidence; (5) law applicable; and (6) conclusion.⁶

Pleadings in its wider sense, however, include all submissions made by a party before the court or authority.⁷ So, departing from the rules of pleading to state facts only, in written argument applicable law may also be cited.

⁴ Mogha 2006

⁵ CPC Order 18 Rule 2(3a) and Rule 2(3B)

⁶ Mogha 2006 p 420

⁷ Mogha 2006 p 420