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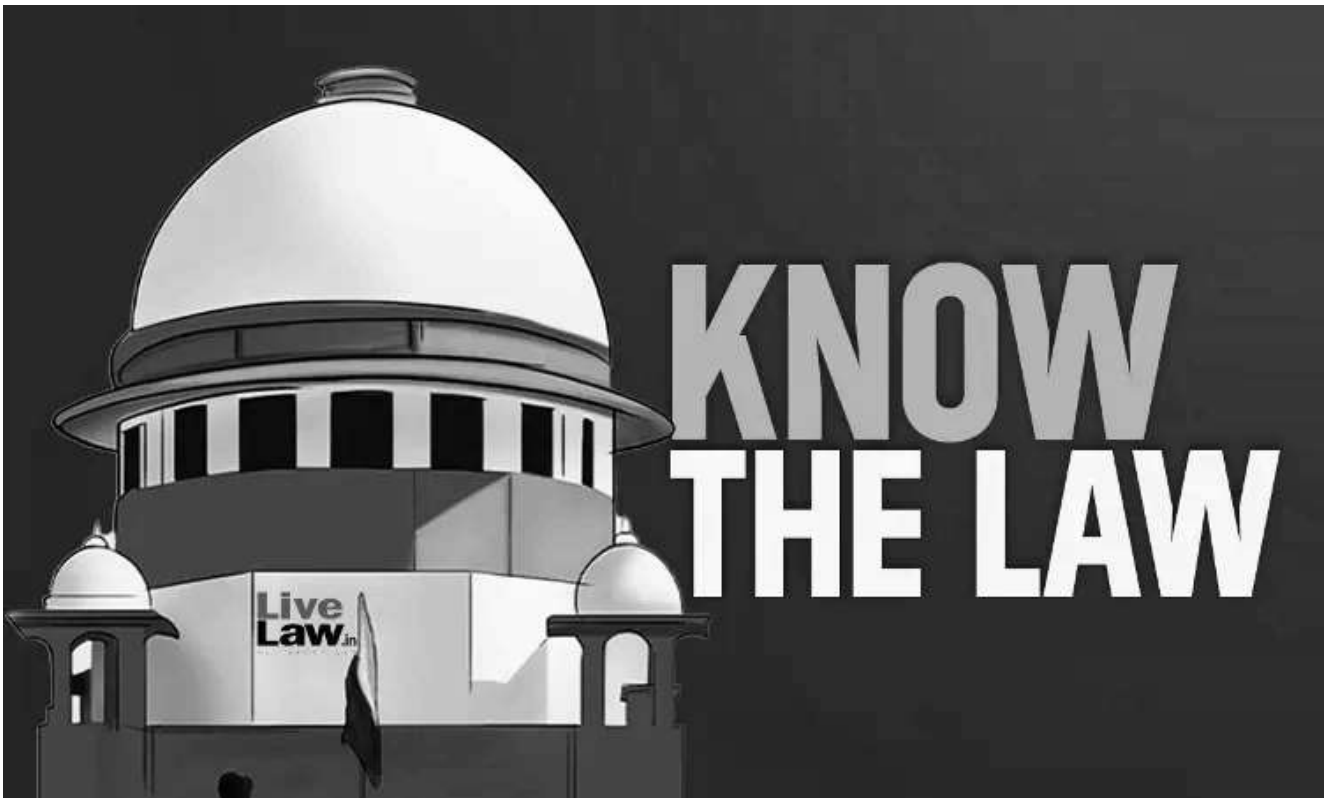
Know The Law | When Does 'Right To Sue' Accrue In A Civil Case? Supreme Court Explains

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The Supreme Court explained when does the 'right to sue' accrues in a civil case. It observed that the "right to sue" accrues when there is a cause of action that justifies legal action. This means the plaintiff has a substantive right to seek relief, and this right has been infringed or threatened by the defendant.

Reference was drawn to the case of ***State of Punjab vs. Gurdev Singh, (1991) 4 SCC 1***, where it was observed that *"the words 'right to sue' ordinarily mean the right to seek relief by means of legal proceedings. Generally, the right to sue accrues only when the cause of action arises, that is, the right to prosecute to obtain relief by legal means. The suit must be instituted when the right asserted in the suit is infringed or when there is a clear and unequivocal threat to infringe that right by the defendant against whom the suit is instituted."*

*"For the right to sue to accrue, the right sought to be vindicated in the suit should have already come into existence and there should be an infringement of it or at least a serious threat to infringe the same vide **M.V.S. Manikyala Rao vs. M. Narasimhaswami, AIR 1966 SC 470.**"*, the court added.

"Thus, "right to sue" means the right to seek relief by means of legal procedure when the person suing has a substantive and exclusive right to the claim asserted by him and there is an invasion of it or a threat of invasion. When the right to sue accrues, depends, to a large extent on the facts and circumstances of a particular case keeping in view the relief sought. It accrues only when a cause of action arises and for a cause of action to arise, it must be clear that the averments in the plaint, if found correct, should lead to a successful issue. The use of the phrase "right to sue" is synonymous with the phrase "cause of action" and would be in consonance when one uses the word "arises" or "accrues" with it.", the Court explained.

Background

The bench comprising Justices BV Nagarathna and N. Kotiswar Singh heard a case where the appellant's application under Order VII Rule 11(d) of the CPC, seeking rejection of a subsequent suit as being barred by law, was dismissed by the Madras High Court. The appellant challenged the respondent's subsequent suit, filed nine years after the rejection of an earlier suit.

The earlier suit, filed in 1993, was rejected in 1998. The Court observed that under Order VII Rule 13 of the CPC, the right to sue, or the cause of action for filing a subsequent suit, arises from the date of rejection of the earlier suit (1998).

The Court further clarified that while the limitation period for filing a subsequent suit begins to run from the accrual of the right to sue, it does not continue indefinitely. Such a suit must be filed within three years from the date of the rejection of the earlier suit.

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Case Title: INDIAN EVANGELICAL LUTHERAN CHURCH TRUST ASSOCIATION VERSUS SRI BALA & CO.

Citation: 2025 LiveLaw (SC) 37

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