

How to File a Complaint? Definition, Provision, Procedure and More

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Introduction

In civil litigation, the complaint serves as the foundation of a lawsuit, initiating proceedings and informing the court about the grievances of the plaintiff. Section 26 of the CPC states "Every suit must be instituted through a complaint". The Code of Civil Procedure, 1908 (CPC) lays down detailed provisions regarding the complaint, its essentials, and its consequences.

This article examines the definition, essential elements, and procedural requirements of a complaint under the CPC along with information on how to file a complaint.

Definition of Complaint

A complaint is a written document submitted by the plaintiff that sets forth the cause of action, the facts constituting the claim, and the relief sought from the court. It is the first step in a civil suit and must comply with the procedural requirements prescribed under the CPC.

Though the CPC does not expressly define "complaint," its interpretation can be derived from Order VI, Rule 1, which states:

"Pleading" shall mean complaint or written statement.

Thus, a complaint is a type of pleading that sets the stage for legal adjudication.

Relevant Provisions under CPC

The provisions governing the filing of a complaint are primarily found in **Order VII** of the CPC. These include:

1. Order VII, Rule 1 - Essentials of a complaint

2. Order VII, Rule 2 – When the plaintiff sues for money and is seeking a specific monetary amount from the defendant, the exact figure must be stated in the plaint. However, in cases where an exact sum cannot be determined- such as claims involving mesne profits or disputes over property, an estimated amount should be provided.
3. Order VII, Rule 3 – When the subject matter is immovable property, the plaint must include a clear and precise description of the property to ensure proper identification.
4. Order VII, Rule 7 – Relief to be stated specifically
5. Order VII, Rule 11 – Rejection of plaint
6. Order IV, Rule 1 – Institution of suits
7. Order VII, Rule 4 mandates that when a plaintiff files a suit in a representative capacity, they must establish both their legal standing to do so and the necessary procedural steps taken to justify their representation.

Essential Elements of a Plaint

A valid plaint must contain the following essential elements:

1. **Name of the Court:** The plaint must specify the court where the suit is filed.
2. **Parties to the Suit:** The names and addresses of the plaintiff and defendant(s) must be clearly mentioned.
3. **Cause of Action:** The plaint must disclose a cause of action, i.e., the set of facts that give rise to a legal claim.
4. **Jurisdiction of the Court:** The plaint must state how the court has jurisdiction to hear the case.
5. **Facts Supporting the Claim:** The plaint should contain material facts in a sequential manner.
6. **Relief Sought:** The specific relief sought by the plaintiff must be clearly stated.
7. **Subject Matter Value:** Include a statement of the value of the subject matter for jurisdiction and court fee purposes.

Verification and Affidavit: The plaint must be verified and signed by the plaintiff or an authorized agent, as per **Order VI, Rule 15**.

Who Can File a Complaint?

A complaint can only be filed by the plaintiff, which is the person initiating a civil lawsuit in court.

How to File a Complaint?

1. **Drafting the Complaint:** Ensure the complaint includes all essential particulars as mandated by Order VII Rule 1 of the CPC.
2. **Vakalatnama Submission:** If represented by an advocate, file a Vakalatnama authorizing the legal representative to act on behalf of the plaintiff. A vakalatnama is basically a legal document that allows a lawyer to represent a client in court.
3. **Court Fee Payment:** Pay the requisite court fees, which may vary based on the nature and value of the claim.
4. **Document Submission:** Attach all relevant documents supporting the complaint, ensuring compliance with evidentiary requirements.
5. **Filing the Complaint:** Submit the complaint along with all accompanying documents to the court registry.
6. **Issuance of Summons:** Upon admission, the court issues summons to the defendant to appear and respond to the suit.

Grounds for Rejection of a Complaint

As per **Order VII, Rule 11**, a complaint may be rejected on the following grounds:

1. Failure to disclose a cause of action.
2. The relief claimed is undervalued and not corrected despite direction from the court.
3. The complaint is insufficiently stamped.
4. The suit appears to be barred by law.
5. The complaint is not filed in duplicate.
6. Non-compliance with any statutory provision.

Conclusion

A plaint is the first and most crucial step in filing a civil suit, making it essential to follow the proper procedure. Any mistakes or omissions at this stage can impact the progress of the case. To ensure a strong start, the plaint should clearly present all relevant facts, include necessary details and specify the relief being sought.

Read More: Rejection of a Plaint