

**STANDARD DEFENSES TO BE RAISED IN THE WRITTEN STATEMENT TO  
THE PLAINT (CIVIL SUIT)**

**FULL TITLE OF THE CIVIL SUIT**

WRITTEN STATEMENT OF THE DEFENDANT/DEFENDANT NO. \_\_\_\_\_  
ABOVENAMED:

*(Note: - Depending on the facts and circumstances, the defenses are  
to be adopted and suitably modified)*

1. *At the outset*, the Defendant/Defendant No. \_\_\_\_\_ denies each and every averment, allegation, contention, assertion, submission, etc. contained and raised in the plaint as if the same were set out herein and traversed. This Defendant should not be deemed to have admitted or considered to have admitted any of the allegations, contentions and/or assertions contained in the plaint for the want of traverse or otherwise, unless expressly so admitted in the present Written Statement.

2. *At the further outset*, it is submitted as under: -

(a) The Plaintiff has filed the present suit based on the Agreement dated \_\_\_\_\_ executed between the Plaintiff and the Defendant/Defendant No. \_\_\_\_\_. The clause \_\_\_\_\_ of the said Agreement provides that in the event of disputes between the Plaintiff and the Defendant/Defendant No. \_\_\_\_\_, the same shall be resolved by the process of Arbitration under the Arbitration and Conciliation Act, 1996. The aforesaid clause \_\_\_\_\_ is reproduced as under: -

*(Note: - Reproduce the relevant clause)*

(b) In view of the Agreement between the parties to resolve the disputes by the process of Arbitration, this Hon'ble Court has no jurisdiction to try and entertain the present suit.

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(c) In the light of an existing Arbitration clause in the said Agreement dated \_\_\_\_\_ between the Plaintiff and the Defendant/Defendant No. \_\_\_\_\_, this Hon'ble Court should refer all the disputes and differences between the Plaintiff and the Defendant/Defendant No. \_\_\_\_\_ arising under the said Agreement dated \_\_\_\_\_ to Arbitration.

(d) In the premises, it is respectfully submitted that the present suit is not maintainable and be dismissed without going into merits and rival contentions of the parties.

3. *At the further outset*, it is submitted that this Hon'ble Court has no jurisdiction to try the present suit (*Note: - raise the defense depending on the facts and circumstances of the case*). In view thereof, as per the provisions of the Code of Civil Procedure, 1908 ("CPC"), no part of the cause of action has arisen which is within the jurisdiction of this Hon'ble Court. Therefore, it is respectfully submitted that this Hon'ble Court has no jurisdiction to try the present suit and, on this ground, the present suit is liable to be dismissed with compensatory costs.

**FURTHER CONTENT UNAVAILABLE FOR PREVIEW**