

9.1 Course – I, CPC and Limitation Act

Objectives:

Study of procedural law is important for a Law student. This course is designed to acquaint the students with the various stages through which a civil case passes through, and the connected matters. The course also includes law of limitation. The course teacher shall endeavour to familiarize the students with the case papers (like plaints, written statements, Interlocutory applications, etc.) involved in civil cases and touch upon the provisions of Evidence Act wherever necessary.

Course Outcomes:

Students graduating with 'Civil Procedure Code & Limitation Act' will be able to:

1. Know the detail procedure for redressal of civil rights.
2. Understand, where the suit is to be filed? The essential forms and procedure for institution of suit, the documents in support and against, evidence taking and trial, dimensions of an interim order, the peculiar nature of the suits, the complexities of executing a decree and provisions for appeal and revision are all matters which a lawyer for any side is to be familiar with.
3. to have good grounding in the subject before one enters the profession.

Contents:

UNIT – I

Civil Procedure Code

Introduction; Distinction between procedural law and substantive law- History of the code, extent and its application, definition; Suits: Jurisdiction of the civil courts- Kinds of jurisdiction- Bar on suits- Suits of civil nature (Sec.9); Doctrine of *Res sub judice* and *Res judicata* (Sec. 10, 11 and 12); Foreign Judgment (Sec. 13, 14); Place of Suits (Ss. 15 to 20); Transfer of Cases (Ss. 22 to 25).

UNIT – II

Institution of suits and summons: (Sec. 26, 27, 28, 31 and O.5); Interest and Costs (Sec. 34, 35, 35A, B); Pleading: Fundamental rules of pleadings- Plaint and Written Statement- Return and rejection of plaint- Defences- Set off- Counter claim; Parties to the suit (O. 1): Joinder, misjoinder and non-joinder of parties- Misjoinder of causes of action- Multifariousness.

UNIT – III

Appearance and examination of parties (O.9, O.18) - Discovery, inspection and production of

documents (O.11 & O.13) - First hearing and framing of issues (O.10 and O.14) - Admission and affidavit (O.12 and O.19) - Adjournment (O.17) - Death, marriage-Insolvency of the parties (O.22) - Withdrawal and compromise of suits (O.23) - Judgment and Decree (O.20); Execution (Sec. 30 to 74, O.21): General principal of execution- Power of executing court- Transfer of decrees for execution- Mode of execution- a) Arrest and detention, b) Attachment, c) Sale.

UNIT – IV

Suits in particular cases; Suits by or against Governments (Sec. 79 to 82, O.27); Suits by aliens and by or against foreign rulers, ambassadors (Sec. 85 to 87); Suits relating to public matters (Sec. 91 to 93); Suits by or against firms (O.30); Suits by or against minors and unsound persons (O.32); Suits by indigent persons (O.33); Inter-pleader suits (Sec. 88, O.35); Interim Orders; Commissions (Sec. 75, O.26); Arrest before judgment and attachments before judgment (O.38); Temporary injunctions (O.39); Appointment of receivers (O.40); Appeals (Ss. 90 to 109, O.41, 42, 43, 45); Reference- Review and Revision (Ss. 113, 114, 115, O.46, O.46); Caveat (Sec. 144.A)- Inherent powers of the court (Ss. 148, 149, 151).

UNIT –V

Limitation Act, 1963.

Prescribed Books:

Mulla - Civil Procedure Code.

Sanjiwa Rao - Civil Procedure Code. Limitation Act, 1963.

Reference Books:

P. M. Bakshi - Civil Procedure Code.

Tandon & Tandon, The Code of Civil Procedure, Allahabad : Allahabad Law Agency.