

Third Year – Fifth Semester

COURSE-I; CIVIL PROCEDURE CODE 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 endeavor 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 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); Coctrine of Res sub judice and Res Judicata (Sec. 10, 11 and 12); Foreign Judgement (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, 0.4 and Sec. 27, 28, 31 and 0.5): 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 – Masjoinder of causes of action – Multifarious ness.

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) – Judgement 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 rules, ambassadors (Sec. 85 to 87); Suits relating to public matters (Sec.91 to 92) ; 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 judgement and attachments before judgement (O.38); Temporary injunctions (O.39); Appointment of receivers (O.40): Appeals (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.

Prescribed Books:

Mulla- Civil Procedure Code

Sanjiwa Rao – Civil Procedure Code

Karnataka Civil Rules of Practice – Bare Act.

Reference Books :

P.M.Bakshi – Civil Procedure Code

C.K.Takwani – Civil Procedure Code