

COURSE - II
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 endeavour to familiarise the students with the case papers (like complaints, 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); Doctrine of Res sub judice and Res judicata (Sec. 10, 1 and 12); Foreign Judgment (Sec. 13, 14); Place of Suits (Ss. 15 to 20); Transfer of Cases (Ss. 2 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- Complaint and Written Statement- Return and rejection of complaint- Defences- Set off- Counter claim; Parties to the suit (O. 1): Joinder, mis joinder and non-joinder of parties- Misjoinder of causes of action- Multifariousness.

UNIT - III

Appearance and examination of parties (O.9, 0.18) - Discovery, inspection and production of documents (0.11 & 0.13) - First hearing and framing of issues (O.10 and O.14) - Admission and affidavit (0.12 and 0.19) - Adjournment (0.17) - Death, marriage- Insolvency of the parties (0.22) - Withdrawal and compromise of suits (0.23) - Judgment and Decree (0.20); Execution (Sec. 30 to 74, 0.21): General principle 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, 0.27); 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 (0.30); Suits by or against minors and unsound persons (0.32); Suits by indigent persons (0.33); Inter-pleader suits (Sec. 8, 0.35); Interim Orders; Commissions (Sec. 75, 0.26); Arrest before judgment and attachments before judgment (0.38); Temporary injunctions (0.39); Appointment of receivers (0.40); Appeals (Ss. 90 to 109, 0.41, 42, 43, 45); Reference- Review and Revision (Ss. 113, 114, 115, 0.46, 0.46); Caveat (Sec. 144.A) - Inherent powers of the court (Ss. 148, 149, 151).

UNIT -V

Limitation Act, 1963.

Prescribed Books:

1. Bakshi, P.M., Mulla's Civil Procedure Code, 12th Edition, (Bombay: Tripathi, 1990).
2. Tandon, M.P, Code of Civil Procedure, (Allahabad Law Agency, 2005)
3. Karnataka Civil Rules of Practice - Bare Act.

Reference Books:

1. Malik, M.R. Ganguly's Civil Court, Practice and Procedure, (Eastern Law House, 2012)
2. Takwani.C.K, Civil Procedure Code, (Eastern Book Co., 2010)