

BA.LL.B (HONS.) – V-SEMESTER

CIVIL PROCEDURE CODE & LIMITATION ACT

COURSE CODE:

Course Objectives: Substantive laws lay down the rights and liabilities whereas procedural law lays the rules of enforcement. Avid knowledge of Civil Procedure is mandatory for a lawyer as it is used daily in civil practice in Courts. This Course is developed to equip the students with all the practical skills required to become a legal professional in civil practice.

Course Outcomes:

1. To understand the essentials and application of Code of Civil Procedure, 1908
2. To understand the importance of Civil Procedure in Civil practice
3. To analyse the procedural rules from initiation till the end of the suits, jurisdiction of courts and summoning, examination of witnesses etc.
4. To understand the procedure relating to appeals
5. To recognise the importance of limitation law for various suits

UNIT-I: Introduction to Civil Procedure; Suits in General-Definition - Decree, decree holder, judgment, judgment debtor, legal representative, mesne profit, order and pleader, Cause of action; Jurisdiction of the Courts (Subject matter, territorial and pecuniary); Res subjudice; Res judicata; Recognition of Foreign Judgment;

UNIT-II: Suits-Parties to Suits, Framing of Suits, and Pleadings generally, Complaint, Written Statement, Set-off & Counter-claim; Appearances, Ex-parte Decree, dismissal for default; Costs and Interest; Filing a Caveat

UNIT-III: Trial of suits and Execution of Decrees; Summons-Issue and Service of Summons, Summoning and Attendance of witnesses; Withdrawal and adjustment of Suits, Examination of parties by the court; Temporary & permanent injunction and Interlocutory Orders; Arrest and Attachment before Judgment; Execution of Decrees- Executing Court, Modes of Execution etc.

UNIT-IV: Appeals-General provisions relating to appeals, First Appeal, Second Appeal, Appeals to the Supreme Court, Appealable Orders; Reference, Review, Revision, Inherent Powers of Court; Special suits- Suits by/and against minors and person of unsound mind, Suits by/ and against indigent person, Suit by/and against Government.

UNIT-V: Introduction to The Limitation Act, 1963-General Provisions as to the Bar of Limitation and Extension of the prescribed time; Limitation of Suits, Appeals and Applications; Computation of Period of Limitation; Legal Disability, exclusion of time etc.; Acquisition and Extinguishment of Property rights by limitation; Periods of Limitation for various suits

Text Books:

1. Mulla, Code of Civil Procedure, Universal, Delhi
2. C.K. Takwani: Civil Procedure, Eastern Book Co., Lucknow.
3. Thacker, C. K. Code of Civil Procedure. New Delhi: Universal Publishing Co.,