

SUBJECT : CODE OF CIVIL PROCEDURE
SUBJECT CODE : HTB

Objective of the Course

The course intends to understand the legislative measures in procedural. The course also helps in understanding the procedures to be followed by the civil courts from the institution of suits till the final disposal. The course tries to understand the computation of limitation period for the institution of suit, appeal and applications along with exclusion.

UNIT – I Introduction

Definitions – Jurisdiction of Civil Court – Place of Suing – Institution of Suits – Presentation of Complaint – Parties to the suit-principles of res subjudice and res judicata.

UNIT – II Pleadings & Trial

Complaint – Written Statement – Service of Summons – Appearance and Non-Appearance of Parties – Discovery, Inspection and Production of Documents – Admission – Production, Impounding and Returning of Documents- transfer of suits-decree and judgment -Remand – Restitution – Appeals: first appeal, second appeal, appeals from orders and appeals to Supreme Court – Reference – Review - Revision

UNIT – III Suits in particular cases

Suits by and against government and public officer – Suits by indigent person – suits by or against minors and lunatics, aliens and foreign rulers, soldiers, corporation, Firms, trustees, executors and administrators-suits relating to family matters, mortgages, public nuisance and public charities- interpleader suits-summary procedure.

UNIT – IV Execution

General principles, courts by which decree may be executed, payment under decree, application for execution, mode of execution, stay of execution, questions to be determined by executing court, arrest and detention, attachment of property sale and delivery of property, distribution of assets.

UNIT – V Limitation Act

Definitions – Limitation of Suits – Appeals – Computation of Period of Limitation – Acquisition of ownership by possession.

Statutory Materials :

Code of Civil Procedure, 1908

Limitation Act, 1963

Books Prescribed :

C. K. Takwani : Civil Procedure Code
Mulla : Code of Civil Procedure
M. P. Jain : Code of Civil Procedure
Pattabiraman : Code of Civil Procedure

Books for Reference :

Taxmann : Code of Civil Procedure
M. P. Tandon : Code of Civil Procedure
C. K. Takkar : Code of Civil Procedure
P. Basu : Law of Limitation
