

Chanakya National Law University, Patna
B.A., LL.B. (Hons.) and B.B.A., LL.B. (Hons.) 2022-23; SEMESTER – V

Course Title: Code of Civil Procedure and Law of Limitation
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Course Overview

The curriculum is designed to focus on the Procedural laws which are important for the purpose of implementing and enforcing of our rights, remedies and liabilities as provided therein in the substantive laws. Civil Procedure Code is one of the major and main procedural laws enforcement of civil rights and remedies through civil courts. Therefore, in this semester this paper has been as a part of study. In this paper the study covers historical survey of conceptions of civil procedure in India and provisions of the code pertaining to suits, their institutions, pleadings, complaints, appearance and examination, judgment, decree and execution. This course will also pursue civil litigation through appellate courts, examining the corrective steps available in civil proceedings. This course also deals with the Law of Limitation as applicable to civil proceedings.

Module one deals with the Introduction.

Module two focuses on Suits in general.

Module three deals with Pleadings.

Module four covers Appearance of Parties, Setting-aside *Ex-Parte* Decrees, Hearing and Examination

Module five deals with Judgment, Decree and Execution

Module six deals with Appeals

Module seven covers Suits in Particular Cases

Module Eight focuses on Limitation Act 1963

Learning Outcomes

The course aims to emphasize on the knowledge as to procedure to be followed both by court as to addressing of grievances of parties and approach of parties seeking relief/remedies provided by substantive law.

On completion of the course, students will be able to:

1. Understand the procedure for institution and framing of suit.
2. Analyze rules as to presentation of pleadings and consequences thereof.
3. Critically analyze the procedure for execution of decree, procedure as to preferring of appeal and suits in particular cases
4. Understand the principles of Limitation Act as to preferring of litigation for enforcement of remedial measures

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I:	<ul style="list-style-type: none">• Historical study of Civil Procedure Code,• Aim, Object and scope of the Civil Procedure Code• Principal features of the Code with reference to 1999 and 2002 Amendment• Types of Procedures and Importance of observance of Procedure and• Definition	1-8
Module II:	<ul style="list-style-type: none">• Concept of Law Suit• Parties to Suit and Frame of Suit• Institution of Suits• Res - Sub Judice• Res - Judicata	9-20

	<ul style="list-style-type: none"> • Foreign Judgment • Place of Suing • Cause of Action and Jurisdictional Bars • Place of suing - Rules • Summons Order 	
Module III:	<ul style="list-style-type: none"> • General Rules as to Pleading • Striking Out and Amendment of Pleadings • Plaint – Meaning, Particulars, Rejection and Return of Plaint • Written Statement, Set-Off and Counter Claim • Settlement of Issues 	21-31
Module IV:	<ul style="list-style-type: none"> • Appearance of Parties • Setting aside Ex-Parte Decrees • Hearing of the Suit and Examination of parties • Affidavit 	32-40
Module V:	<ul style="list-style-type: none"> • Concepts of Judgment • Distinction between Judgment, Decree and Order • Concept of Execution • General Principles of Execution, • Mode and Procedure for Execution and Order • Interim Orders 	41-50
Module VI:	<ul style="list-style-type: none"> • General Provisions relating to Appeals • Appeal from Original Decree and Appellate 	51-58

	Decree <ul style="list-style-type: none"> • Appeal from Orders • Appeal to the Supreme Court • Procedure for filing of Review and Revision • Rationale of Commission and Receiver. 	
Module VII:	<ul style="list-style-type: none"> • Suit by or against Government • Suit by or against Minors, persons with Unsound Mind and Indigent Person • Inter-pleader Suits • Incidental and Supplementary Proceedings • Summary Suits • Special Proceedings • Inherent powers of Civil Court 	59-66
Module VIII:	<ul style="list-style-type: none"> • Concept of Limitation • General Principles of Limitation • Extension-sufficient cause • Legal Disability-Disability-when comes to end 	67-70

Recommended/Reference Text Books and Resources:

Text Books

1. *Civil procedure, Limitation and Commercial Courts* by C.K. Takwani
2. *Code of Civil Procedure – Avtar Singh*
3. *Code of Civil Procedure – Dr. Ashok K. Jain*
4. *The Code of Civil Procedure – D. N. Mathur*
5. *Code of Civil Procedure – Jatindra Kumar Das*
6. *The Code of Civil Procedure, Dr. T.P. Tripathi*

References

1. *Bare Act of Code of Civil Procedure, 1908*

2. *The Key to Indian Practice by Sir Dinshaw Fardunji Mulla.*
3. *The Code of Civil Procedure – Mulla*
4. *The Code of Civil Procedure M. P. Jain*

Instructor Details

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