

B.A.LL.B (Hons.) 5 YEARS INTEGRATED COURSE

SEMESTER-VII

Course Code	BAL701
Course Title	Civil Procedure Code-I
Type of Course	Core
L T P	5 1 0
Credits	6
Course Prerequisites	12 th
Course Objectives (CO)	To acquaint the students with the basic principles and objective of procedural law in civil matters and to enable the students to understand the importance of procedural law vis a vis substantive law especially with regard to basic concepts like framing a suit, joinder and misjoinder of parties, causes of actions, Resjudicata, jurisdiction, interim orders etc.

UNIT-I

Nature, scope and significance of Civil Procedure

Meaning of suit

158

Essentials of a suit

Parties to a suit (0.1): Joinder, Non-Joinder and Misjoinder of parties

Representative suits

Frame of suit (0.2): Joinder of causes of action, Split of cause of action and

Resjudicata (order II Rule2)

General rules of pleading, amendment of pleadings (order VI)

Plaint (order VII)

Written Statement, set off, counterclaim (order VIII)

UNIT –II

Jurisdiction: Meaning, Lack of jurisdiction and irregular exercise of jurisdiction

Courts to try all suits of civil nature unless barred (S.9), Place of suing (S. 15-20)

Objections to jurisdiction (Section 21)

Res subjudice (section 10)

Resjudicata (S.11): General conditions of Resjudicata, Matters directly and substantially in issue, Constructive Resjudcata, Resjudicata and estoppel

Foreign Judgements: Meaning Sec. 2(6), Conclusiveness, Enforcement and Execution (S. 13, 14)

UNIT –III

Judgement[section2(9)] and Decree[section 2(2)]
Distinction between Decree and Order[section2(14)]
Services of Summons to defendants (Ss. 27-29, order V);
Summons to witness (Ss. 30-32, order XVI)
Appearance of parties and consequence of non appearance (order IX):
Dismissal of suit for default, Ex parte proceedings, Setting aside exparte decree
Caveat (Section 148-A)
Inherent powers of the Court(sections 148 to 153)

UNIT –IV

Interim orders- Commissions (Section 75-78) (order XXVI);
Arrest and Attachment before Judgment (0.38);
Temporary injunctions (0.39)
Appointment and duties of Receiver (0.40),
Security for costs (order XXV)
Suits in particular cases and special proceedings:
Suits by or against Government and Public Officer (Ss 79-82)
Interpleader Suits (S.88, Order XXXV)
Suits by Indigent Persons (Order XXXIII)
Special case (S. 90, order XXXVI)
Suits relating to public nuisance and public charities (Ss. 91-93)

Suggested Readings:

Mulla, The Code of Civil Procedure , Lexis Nexis Butterworths, 19th edn., 2017

Takwani, C.K., Civil Procedure, 2017, Eastern Book Company, Lucknow, 8th edn., 2017

Sarkar, Code of Civil Procedure, Lexis Nexis, 12th edn., 2016

Jain, M.P., The Code of Civil Procedure, Lexis Nexis Butterworths, India 5th edn., 2019

Nandi, A.K. and Sen Gupta, S.P. , The Code of Civil Procedure, Kamal Law House, Kolkata, 3rd Ed., 2009

Mathur, D.N, The Code of Civil Procedure, Central Law Publications,

Allahabad, 4th edn., 2017

Singh, Avtar , Code of Civil Procedure, Central Law Publications, Allahabad, 4th edn., 2015

Tandon's, The Code of Civil Procedure , Allahabad Law Agency, Faridabad, 28th edn., 2016