

LL.B. III Term

Paper - LB - 302 – Code of Civil Procedure and Limitation Act

PART : A – C.P.C.

Prescribed Legislations:

Code of Civil Procedure, 1908 (Amendment) Act, 22 of 2002

Prescribed Books :

C.K. Takwani 's Civil Procedure

AIR Manual of CPC

B. M. Prasad & S. K. Sarvaria, **Mulla's Code of Civil Procedure** (17th ed., 2007)

Topic 1 : Definitions - Decree [section 2(2)], Judgement [section 2(9)] Legal Representative [section 2(11)], Mesne Profits [section 2(12)], Order [section 2(14)]

Topic 2 : Jurisdiction of Courts, Principle of Res subjudice and Res judicata (Sections 9 to 11) and Order II, Rules 1 and 2 - Suit to include the whole claim. Introduction to Commercial Courts Act, 2015.

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| 1. <i>Gundaji Satwaji Shinde v. Ram Chandra Bhikaji Joshi</i> , AIR 1979 SC 653 | 1 |
| 2. <i>Indian Bank v. Maharashtra State Cooperative Marketing Federation Ltd</i> , AIR 1998 SC 1952 | 13 |
| 3. <i>Iftikhar Ahmed v. Syed Meharban Ali</i> , AIR 1974 SC 749 | 16 |
| 4. <i>State of U.P. v. Nawab Hussain</i> , AIR 1977 SC 1680 | 20 |
| 5. <i>C.A. Balakrishnan v. Commissioner Corporation of Madras</i> , AIR 2003 Mad. 170 | 26 |

Topic 3 : Place of Suing (Sections 15 to 21-A)

Topic 4 : Garnishee Order (O. 21 Rules 46-A to 46-I)

Topic 5 : Suits by or Against Government (Sections 79, 80)

Topic 6 : Appeals (i) Appeals from Orders and Decrees, Second Appeal and Power of Appellate Court (Sections 96, 100, 107(1)d) and Production of additional evidence at appellate stage; Order XLI, Rule 27

6. <i>Chunilal V. Mehta v. Century Spinning and Manufacturing Co. Ltd.</i> , AIR 1962 SC1314	31
7. <i>Koppi Setty v. Ratnam v. Pamarti Venka</i> 2009 RLR 27 (NSC)	38
8. <i>Gill & Co. v. Bimla Kumari</i> , 1986 RLR 370	39

Topic 7 : Reference – Section 113, Revision Section 115 and review Section 114 read with Order XLVII.

9. <i>Haridas Das v. Smt. Usha Rani Banik</i> , 2006 (3) SCALE 287	51
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Topic 8 : Inherent Powers of Court (Section 151)

10. <i>Mahant Ram Dass v. Mahant Ganga Dass</i> , AIR 1961 S.C. 882	56
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ORDERS I to LI

Topic 9 : Parties to Suits Order I, Rules 1, 2 and 3.

Misjoinder and non joinder of parties

Topic 10 : Amendment of Pleadings (Order VI , Rule 17)

11. <i>Jai Jai Ram Manohar Lal v. National Building Material Supply Co.</i> , AIR 1969 S.C. 1267	59
12. <i>M/s Ganesh Trading Co. v. Moji Ram</i> , AIR 1978 SC 484	63
13. <i>Dalip Kaur v. Major Singh</i> , AIR 1996 P & H 107	68
14. <i>B.K. Narayana Pillai v. Parameswaran Pillai</i> , (2000) 1 SCC 712	70

Topic 11 : Rejection of Complaint (Order VII, Rule 11)

15. <i>Saleem Bhai v. State of Maharashtra</i> , AIR 2003 SC 759	73
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Topic 12 : Appearance of Parties and Consequences of Non-appearance
(Order IX, Rules 6, 7 and 13)

16. <i>Sangram Singh v. Election Tribunal</i> , AIR 1955 SC 425	75
17. <i>Rajni Kumar v. Suresh Kumar Malhotra</i> , 2003 (3) SCALE 434	86
18. <i>Bhanu Kumar Jain v. Archana Kumar</i> , AIR 2005 SC 626	90

Topic 13 : Summary Procedure (Order XXXVII, Rules 1 to 4)

19. <i>Santosh Kumar v. Bhai Mool Singh</i> , AIR 1958 S.C. 321	97
20. <i>M/s Mechalec Engineers and Manufacturers v. Basic Equipment Corporation</i> , AIR 1977 SC 577	101
21. <i>ONGC Ltd. v. State Bank of India</i> , AIR 2000 SC 2548	104

Topic 14: Temporary Injunctions and Interlocutory Orders (Order XXXIX, Rules 1 to 5)

22. <i>Monohar Lal v. Seth Hira Lal</i> AIR 1962 SC 527	109
23. <i>Dalpat Kaur v. Prahlad Singh</i> , AIR 1993 SC 276	121

Topic 15: Miscellaneous : **Alternative Dispute Resolution, Precepts, Interpleader Suits, Indigent Suits, Caveat**

Part - B : Limitation

Prescribed Legislation: The Limitation Act, 1963

Prescribed Books:

1. M.R. Mallick, B.B. Mitra *The Limitation Act,, 1963* (22nd ed., 2011)
2. K. Shanmukham, Sanjiva Row's *The Limitation Act* (9th ed., 2000)

Topic 1 : Limitation of Suits, Appeals and Applications (Sections 3-5)

- (a) Effect of expiry of limitation – dismissal of suit, appeal, application (section 3)

24.	<i>R.B. Policies At Lloyd's v. Butler</i> (1949) 2 All ER 226	124
25.	<i>Union of India v. West Coast Paper Mills Ltd.</i> AIR 2004 SC 1596	127
26.	<i>Punjab National Bank v. Surendra Prasad Sinha</i> , AIR 1992 SC 1815	134
(b) Extension of limitation (section 5)		
27.	<i>Collector, Land Acquisition, Anantnag v. Katiji</i> , AIR 1987 SC 1353	137
28.	<i>State of Nagaland v. Lipok AO</i> (2005) 3 SCC 752	139

Topic 2: Computation of Limitation (Sections 12, 17 to 19, 21)

(a) Exclusion of time (sections 12)		
29.	<i>The Commissioner of Sales Tax, U.P. v. M/s. Madan Lal Das & Sons, Bareilly</i> , AIR 1977 SC 523	145
30.	<i>State of Uttar Pradesh v. Maharaj Narain</i> , AIR 1968 SC 960	149
(b) Effect of fraud or mistake (section 17), Effect of acknowledgment (section 18), effect of payment (section 19) ,Effect of substituting or adding new plaintiff or defendant (section 21)		
31.	<i>Mahabir Kishore v. State of M.P.</i> , AIR 1990 SC 313	152
32.	<i>Sampuran Singh v. Niranjana Kaur (Smt.)</i> AIR 1999SC 1047	158

Topic 3 : Acquisition of Ownership by Possession (Sections 25-27)

33.	<i>Rajender Singh v. Santa Singh</i> , AIR 1973 SC 2537	163
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34. Ravinder kaur Grewal & Ors v. Manjeet Kaur & Ors, Civil Appeal
No.7764/2014 SC

Topic 4 : The Schedule – Period of Limitation

(a) Article 113 – Any suit for which no period of limitation is provided elsewhere.

35. *State of Punjab v. Gurdev Singh* (1991) 4 SCC 1 170

(c) Article 137 – Limitation where no period is prescribed

36. *Ajaib Singh v. Sirhind Cooperative Marketing-cum-Processing
Service Society Ltd.*, AIR 1999 SC 1351 174

IMPORTANT NOTE :

1. The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/cases.

2. The students are required to study the legislations as amended up to date and also to consider and correlate amendments and cases under this Topic with other topics and cases.

3. **The question paper shall include Two compulsory questions from Part-B.**

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