

LL.B. V Term

Paper - LB - 501 – Civil Procedure

Prescribed Legislations:

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

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

PART : ONE – Sections 1 – 158, C.P.C.

Topic 1 : Definitions - Decree [section 2(2)], Decree Holder [section 2(3)], Judgment [section 2(9)], Judgment Debtor [section 2(10)], 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 14) and Order II, Rules 1 and 2 - Suit to include the whole claim.

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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 |
| 6. <i>Bharat Nidhi Ltd. v. Megh Raj Mahajan</i> , AIR 1967 Del. 22 | 31 |
| 7. <i>Y. Narsimha Rao v. Y Venkata Lakshmi</i> (1991) 2 SCR 821 | 34 |

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

Topic 4 : Power to Transfer Suits (Sections 22 to 25)

Topic 5 : Execution of the Decree/Order (Sections 51, 55, 58, 60-62, Order XXI, Rules 96-106)

Topic 6 : Suits by or Against Government (Sections 79, 80)

Topic 7 : Settlement of Dispute : ADR as a mode of settlement. (Section 89)

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| 8. <i>Ajit Ranjan v. State</i> , 2007 RLR 539 (Del. H.C.) | 42 |
| 9. <i>B.P.M. Sevamandir v. A.M. Kutty Hassan</i> , 2009 RLR 123 (SC) | 44 |

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11. <i>Koppi Setty v. Ratnam v. Pamarti Venka</i> 2009 RLR 27 (NSC)	56
12. <i>Gill & Co. v. Bimla Kumari</i> , 1986 RLR 370	57
13. <i>Shivajirao Nilangekar Patil v. Dr. Mahesh Madhav Gosavi</i> AIR 1987 SC 294	69

Topic 9 : Reference – Section 113, Revision Section 115 and review Section 114 read with Order XLVII.

14. <i>Haridas Das v. Smt. Usha Rani Banik</i> , 2006 (3) SCALE 287	81
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Topic 10 - (i) Enlargement of Time (Section 148)

(ii) Power to make up deficiency of Court fees (Section 149)

(iii) Inherent Powers of Court (Section 151)

(iv) Correction of judgements, orders or decrees (Section 152)

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16. <i>Samarendra Nath Sinha v. Krishan Kumar Nag</i> , AIR 1967 SC 1440	89
17. <i>Dwarka Das v. State of M.P.</i> (1999) 3 SCC 500	96

PART : TWO – ORDERS I to LI

Topic 11 : Parties to Suits (Order I, Rules 1, 2 and 3) Order I, Rule 10 read with Order XXII, Rule 10 & Interpleader suits Order XXXV

Topic 12 : Amendment of Pleadings (Order VI , Rule 17)

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19. <i>M/s Ganesh Trading Co. v. Moji Ram</i> , AIR 1978 SC 484	104
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