

B.A.LL.B. FIVE YEAR INTEGRATED COURSE  
X SEMESTER  
PAPER 1.3            1003    LAW OF CIVIL PROCEDURE AND LIMITATION II

Note:

- I. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

Leading cases prescribed under this paper may be read whenever they are relevant.

1. **Code of Civil Procedure, 1908** : Definition - Suits in general, suits of civil nature, stay of suit, Res Judicata, Res Subjudice, Foreign Judgment, Place of trial, Transfer of suits, Joinder, Non-joinder and Mis-joinder of Parties and Causes of Action. Service of Summon and Pleadings.

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2. **Execution in General** : Courts by which decrees may be executed, powers of the Court executing the decrees. Transfer of decrees for execution and mode of execution, Stay of execution, Suits in particular cases (Orders XXI to XXIII). Abatement of Suits.

Supplemental proceedings, Attachment before judgement, Arrest before judgement, Temporary injunction and Appointment of Receiver.

Appeals - Appeals against order and appeals against decree, review, revision and reference.

The Limitation Act, 1963 (Omitting the Schedule) - Purpose, Policy, Nature and Scope of the Act.

Definitions: Applicant, bond, defendant, easement, good faith, plaintiff, period of limitation.

Relationship between limitation, laches, acquiescence, estoppel and res-judicata; Limitation of suits, appeals and applications, disability, computation of period of limitation, acknowledgement and part payment, acquisition of ownership by prescription.

**LEADING CASES :**

1. Umrao Singh v. Bhagwati Singh, AIR 1956, SC 15 (Sec 9) CPC.
2. Narhari v. Shanker, AIR 1953, SC 419 (Sec 11), CPC
3. Shanker Sitaram v. Balkrishnan, AIR 1954, SC 252 Sec. 11 CPC or 2 R 2 & O 23, R 3)
4. Smt. Runi Bai v. Yadunandan, AIR 1969, SC 1718.
5. Madalsa Devi v. M. Ramanarain Pvt. Ltd., AIR 1955, SC 1718
6. Order No. 9, 17,26,32,33
7. Section 75 to 78

**SUGGESTED BOOKS :**

1. Mulla : Civil Procedure Code
2. Singh, S.N. : Civil Procedure Code

3. Sahai : On Civil Procedure
4. Tandon, M.P. : Civil Procedure Code (English & Hindi)
5. Mridula Srivastava : Civil Procedure Code (Hindi)
6. Mridula Srivastava : दीवानी प्रक्रिया संहिता
7. A.N. Pandey : Civil Procedure Code (Hindi)
8. A.N. Pandey : दीवानी प्रक्रिया संहिता

