



MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR

FACULTY OF LAW

THIRD YEAR BACHELOR OF LAWS

(Effective from Session 2021-22)

PAPER – III (PAPER CODE - 8003): (PAPER NAME – **LAW OF CIVIL PROCEDURE & LIMITATION**)

Max. Marks: 100

Min. Marks: 36

Note: A. 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.

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

A. Code of Civil Procedure, 1908

- 1. Definition** – Suits in general, suits of civil nature, stay of suit, Res Judicata, Res Subjudice, Foreign Judgement, Place of trial, Transfer of suits, Joinder, Non-Joinder and Mis-Joinder of Parties and Causes of Action. Service of Summon and Pleadings.
- 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 XXXIII) – Minor, Indigent, Receiver, Injunction, Notice, Abatement of Suits, Arrest & Detention.
- 3. Supplemental proceedings** - Attachment before judgement, Arrest before judgement, Temporary injunction and Appointment of Receiver, Commission.
- 4. Appeals** – Appeals against order and appeals against decree, review, revision and reference.
- 5. Misc. Proceedings** – Exemption of certain persons, Enlargement of time, Right to lodge a caveat, Inherent powers of court, Amendment of judgement, decrees, orders.
- 6. Sections 75 to 78 - Order IX, XVII, XXVI, XXXII, XXXIII**

B. The Limitation Act, 1963

LEADING CASES FOR EXAMINATION:

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 1954 SC 1718.
5. Madalsa Devi v. M. Ramanarain Pvt. Ltd., AIR 1955 SC 1718.

SUGGESTED BOOKS:

1. Mulla: Civil Procedure Code
2. Takwani, C.K.: Civil Procedure Code
3. Singh, S.N.: Civil Procedure Code
4. Sahai: On Civil Procedure
5. Tandon, M.P.: Civil Procedure Code (English & Hindi)
6. Mridula Srivastava : Civil Procedure Code (Hindi)

7. Mridula Srivastava: दीवानी प्रक्रिया सहिता
8. A.N. Pandey : Civil Procedure Code
9. A.N. Pandey : दीवानी प्रक्रिया सहिता