



**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**

**PROGRAMME: B.A. LL.B. (HONS.) FYIC**

**DETAILS OF COURSE OFFERED**

**ODD SEMESTER (V) – ACADEMIC YEAR :.....**

<b>SL. NO</b>	<b>COURSE CODE</b>	<b>COURSE TITLE</b>	<b>L</b>	<b>T/P</b>	<b>CR</b>	<b>CH</b>
<b>1</b>	<b>BL505</b>	<b>CIVIL PROCEDURE CODE AND LIMITATION ACT</b>	<b>4 PER WEEK</b>	<b>1 PER WEEK</b>	<b>4</b>	

- A. CODE AND TITLE OF THE COURSE: BL505, CIVIL PROCEDURE CODE AND LIMITATION ACT**
- B. COURSE CREDIT: 4 (TOTAL MARKS 200)**
- C. MEDIUM OF INSTRUCTION: ENGLISH**
- D. COURSE COMPILED BY: PROF.(DR.) SUBHASH CHANDRA SINGH**
- E. COURSE INSTRUCTOR: PROF.(DR.) SUBHASH CHANDRA SINGH**

## 1. COURSE OBJECTIVES

Knowledge of procedural law is an essential tool in the armoury of the legal practitioner. In this context, the Code of Civil Procedure plays a crucial and decisive role in the regular and efficient adjudication of civil disputes. Procedural law gives life to substantive laws by implementing the maxim *ubi jus ibi remedium*. The Code of Civil procedure was passed in 1908 and came into force from 1st January 1909. The Code neither creates nor takes away any right. It is intended to regulate the procedures followed by civil court.

The Code of Civil Procedure lays down the procedure to be adopted in civil courts, and its principles may be applicable in other courts, like Writ Courts, and Tribunals. It provides for a fair procedure for redressal of civil disputes. Some of its provisions are substantive in nature but the major portions are generally procedural in nature. The purpose of the Civil Procedure Code is to provide a litigant a fair trial in accordance with the accepted principles of natural justice. The Code is mainly divided into two parts, namely, Sections and Orders. While the main principles are contained in the Sections, the detailed procedures with regard to the matters dealt with by the Sections have been specified in the Orders.

The law of limitation has been prescribed by the Limitation Act, 1963 as the time limit which is given for different suits to the aggrieved person within which they can approach the court for redress or justice. It is necessary to have certain basic knowledge regarding the law of limitation, so that the genuine claim of an aggrieved person cannot be defeated for technical reasons. It not only prescribes the limitation period for various legal proceedings and enforcement of rights but also speaks of condonation of delays and exclusion of time etc. The course intends to understand the legislative measures in procedure of civil courts.

- The course also helps in understanding the procedures to be followed by the civil courts from the institution of suits till the final disposal.
- The course tries to understand the computation of limitation period for the institution of suit, appeal and applications along with exclusion and condonation.

This course shall seek to achieve the following objectives, in particular:

- To develop the habit of reading and understanding of procedural laws followed in civil courts.
- To examine the theoretical foundations of Code of Civil Procedure
- To discuss the fundamental issues in relation to civil procedure and limitation laws
- To examine the scope and extent of applicability of the Code
- To find out the ways in which the Code is interpreted by the Judiciary
- To examine the various principles developed in the field of the administration of civil justice
- To test the efficacy of the Code in the present context

- To identify the emerging issues and challenges before the civil court in the administration of civil justice
- To examine the scope, application and importance of limitation law in the context of civil justice

## **2. TEACHING METHODOLOGY**

Law has always been taught with the help of theories, principles, their practices and applications. The goal of a course instructor will be to use the teaching methods that most effectively and efficiently achieve desired educational objectives, employ context based instruction throughout the program of instruction and employ best practices when using any instructional methodology. The conventional methods of teaching would encompass between theory, research and application but do not fulfil the subject requirements of procedural law. In this context it is important to build some contemporary techniques suitable to the subject and which would enhance the teaching learning process. NLU, Assam has its own teaching methodology to train students in learning and understanding the Code of Civil Procedure and Limitation Law. Collaborative method, clinical method, field action, project etc. are the regular part of teaching and learning. Various kinds of tools such as ICT, flip class technique are used by course instructor. Overall, the teacher will adopt effective teaching methods in education. The teacher has many options to choose from different teaching techniques designed specifically for teaching and learning of procedural laws. The students are expected to have a copy of the Bare Act of the Code of Civil Procedure, 1908 and the Limitation Act, 1963 with latest amendments.

## **3. EXPECTED OUTCOMES OF THE COURSE**

The course of Code of Civil Procedure and Limitation Law is designed in such a manner that after completion of the course the students will be in a position to understand the subject in a better manner, so as to meet the academic and professional requirements in the legal field. After completion of the course the students are expected to:

- Comprehend the subject matter of the course from theoretical and professional perspectives
- Understand the concepts and basic principle that could prove to be of particular importance in the professional life.
- Be able to develop jurisprudential thought in the administration of civil justice
- Be able to actively participate in the academic discussion on contemporary issues relating to Code of Civil Procedure and Limitation Laws
- Be able to publish two high quality research papers on current topics in the field of civil Justice

## **4. COURSE EVALUATION METHOD**

The course shall be evaluated for 200 marks. The evaluation scheme would be:

Internal Assessment: 70% (140 marks)

Semester End Examination: 30% (60 marks)

Sl. No.	Marks Distribution	
1	Project Work	40 marks
2	Seminar/Group Discussion	20 marks
3	Assignment/Assessment	30 marks
4	Mid-Semester Test	40 marks
5	Attendance in class	10 marks
6	Semester End Examination	60 marks

## **5. STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB-MODULES)**

**Course Contents:** The Course shall comprise of the following:

### **MODULE-I**

#### **General Principles, Definitions, Jurisdiction and Place of Suing**

- Theoretical Foundations of Code of Civil Procedure
- Decree
- Order
- Judgment
- Foreign Judgment
- Mesne Profits
- Affidavit
- Civil Suit
- Representative Suit
- Legal Representative
- Ex Parte Decree
- Res Sub Judice and Res Judicata
- Jurisdiction of Civil Courts
- Place of Suing

## **MODULE-II**

### **Suits in General and Steps in Suits**

- Institution and Framing of Suit
- Parties to Suit—Joinder of Parties, Mis-joinder and Non-joinder of Parties
- Issuing Summons, Appearance of Parties, Consequence of Non-appearance
- Pleading: Meaning, Object, Fundamental Rules of Pleading, Plaint and Written Statement, Amendment of Pleading
- Set-Off and Counter Claim
- Discovery, Inspection, Admission and Production of Documents
- Commissions
- Temporary Injunctions
- Suits by Indigent persons
- Inter-pleader Suit
- Suit by or against Government

## **MODULE-III**

### **Appeal, Reference, Review, Revision, Execution of Decree and Inherent Powers**

- General Provisions relating to Appeals
- Appeals from Original Decree
- Appeals from Appellate Decrees
- Powers of Appellate Court
- Reference to High Court
- Review
- Revision
- Execution of Decree, Powers of Executing Court
- Arrest and Attachment of Property
- Inherent Powers of Court

## **MODULE-IV**

### **Limitation Law (Indian Limitation Act)**

- Definitions
- Limitation of Suits, Appeals and Applications
- Computation of Period of Limitation
- Acquisition of Ownership by Possession

- Legal Disabilities
- Exclusion of Time
- Effect of Acknowledgement
- Effect of Death, Fraud or Mistake on the Period of Limitation

#### **6. PRESCRIBED READINGS:**

- D. F. Mulla, The Code of Civil Procedure (LexisNexis, 2017)
- M.P. Jain, The Code of Civil Procedure (LexisNexis, 2019)
- S. C. Sarkar and P. C. Sarkar, Code of Civil Procedure (LexisNexis, 2017)
- Justice B.S. Chauhan, Code of Civil Procedure, National Judicial Academy ([www.nja.nic.in](http://www.nja.nic.in))
- Justice B.S. Chauhan, Comments on Provisions of Civil Procedure Code with Special Reference to Amendment Acts, 1999, 2002 ([ijtr.nic.in](http://ijtr.nic.in))
- Jatindra Kumar Das, Code of Civil Procedure (PHI Learning Private limited, 2014)
- C.K. Takwani, Code of Civil Procedure (Eastern Book Company) (Latest Edition)
- M.R. Mallick, Ganguly's Civil Court Practice and Procedure, Eastern Law House (2017)
- D.N. Mathur, The Code of Civil Procedure (Central Law Publication, 2017)
- EBC, Civil Procedure Code, Eastern Book Company (2018)
- M.P. Tandon, Code of Civil Procedure, Allahabad Law Agency (Latest Edition)
- Bare Acts: 1. The Code of Civil Procedure, 1908; 2. The Limitation Act, 1963