

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.

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

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

Topic 4 : Execution of the Decree/Order (Sections 60-62)

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

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

9. *Haridas Das v. Smt. Usha Rani Banik*, 2006 (3) SCALE 287 51

Topic 8 : Inherent Powers of Court (Section 151)

10. *Mahant Ram Dass v. Mahant Ganga Dass*, AIR 1961 S.C. 882 56

ORDERS I to LI

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

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

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

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

15. *Saleem Bhai v. State of Maharashtra*, AIR 2003 SC 759 73

Topic 12 : Appearance of Parties and Consequences of Non-appearance
(Order IX, Rules 6, 7 and 13)

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

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

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

Topic 14: Temporary Injunctions and Interlocutory Orders (Order XXXIX, Rules 1 to5)

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

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

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

- (a) Exclusion of time (sections 12)
- | | | |
|-----|------------------------------------------------------------------------------------------------|-----|
| 29. | The Commissioner of Sales Tax, U.P. v. M/s. Madan Lal Das
& Sons, Bareilly, AIR 1977 SC 523 | 145 |
| 30. | State of Uttar Pradesh v. Maharaj Narain, 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. | Mahabir Kishore v. State of M.P., AIR 1990 SC 313 | 152 |
| 32. | Sampuran Singh v. Niranjana Kaur (Smt.) AIR 1999SC 1047 | 158 |

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

33. *Rajender Singh v. Santa Singh*, AIR 1973 SC 2537 163

Topic 4 : The Schedule – Period of Limitation

- (a) Article 113 – Any suit for which no period of limitation is provided elsewhere.
34. *State of Punjab v. Gurdev Singh* (1991) 4 SCC 1 170
- (c) Article 137 – Limitation where no period is prescribed
35. *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 mentioned in Topic 20 and cases under this Topic with other topics and cases.
3. The question paper shall include one compulsory question.

* * * * *



LL.B. III Term

Civil Procedure & Limitation

Cases Selected and Edited by

Belu Gupta Arora
Madhu Bhatti

FACULTY OF LAW
UNIVERSITY OF DELHI, DELHI-110 007
July, 2016

(Exclusively for Private Circulation)