

B.A.LL.B. NINTH SEMESTER

SYLLABUS AND COURSE COMPONENT

NINTH SEMESTER: [COURSE CODE 111]

PAPER 1111. :	LAW OF EVIDENCE
PAPER 1112. :	LAND LAWS
PAPER 1113. :	BANKING LAWS
PAPER 1114. :	LAW OF CRIMES – II (CODE OF CRIMINAL PROCEDURE – II)
PAPER 1115. :	CODE OF CIVIL PROCEDURE AND LIMITATION ACT - I

PAPER 1111:

LAW OF EVIDENCE

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

This paper shall consist of following two parts:

(a) Written paper	—	70 marks
(b) Internal examination	—	30 marks
		(15+10+5)

Mid Semester Test: 15 marks

Project/Assignment: 10 marks

Presentation: 05 marks

The candidate must pass in part (a) and (b) separately. For passing, he shall be required to obtain 36 percent marks in each part, i.e. 25 marks out of 70 and 11 marks out of 30 marks.

- (1) The question paper shall be divided into two (02) Parts viz. Part – A and Part – B.
- (2) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of seven (07) questions. The Candidate is required to attempt any four (04) questions. All questions carry equal marks.
- (3) The prescribed syllabus includes latest amendments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

The law of evidence doesn't come under the purview of substantive or procedural law but under 'adjective law' which defines the pleading and procedure via which substantive laws are brought into practice. It is the machinery by which substantive laws are set and kept in motion. So it can be said that the Law of Evidence deals with rights as well as, procedures. It imparts credulity to the adjudicatory process by indicating the degree of veracity to be attributed to the facts before the form. This paper enables the students to appreciate the concept and principles underlying the law of evidence and to identify the recognized forms of evidence and its sources.

UNIT - I

Introduction:

History, Enactment and Implementation of the Act; Objects, Application and Definitions (Sections 01 and 03); May Presume, Shall Presume and Conclusive Proof (Section 04); Facts in Issue and Relevant Facts (Section 05)

Of the Relevancy of Facts: Relevancy and Admissibility (Inter-linkages and Major Differences); Sections 06 - 39; Difference between Admission, Confession and Plea of Guilt; Dying declaration; Expert evidence; Judgments of Courts when Relevant under Sections 40-44; Opinions of Third Persons when Relevant (Sections 45 - 51); Character When Relevant (Sections 52 - 55);

UNIT - II

Oral and Documentary Evidence:

Oral Evidence: Proof of facts by Oral Evidence (Section 59); Oral evidence must be direct (Section 60); Documentary Evidence: Sections 61 - 78; Presumptions as to Documents (Sections 79 - 90A); Exclusion of Oral By Documentary Evidence: Sections 91 - 100.

UNIT - III

Burden of Proof:

Section 101 - 114A; Estoppel (Section 115), Estoppel of Tenant and of Licensee of Person in Possession (Section 116), Estoppel of Acceptor of Bill of Exchange, Baillie or Licensee;

UNIT - IV

Witnesses:

Sections 118 - 128; The Oaths Act, 1969 and its relation with the Law of Evidence, 1872; Sections 132, 133 & 134; Harmony between Section 133 and Section 114 Illustration (b); Difference between the terms Accomplice, Approver, Co-Accused and Hostile Witness with regard to Section 133 (together with relevant Sections of Cr.P.C., 1973);

UNIT - V

Examination of Witnesses:

Sections 135 - 165; Facts which need not be Proved (Sections 56 - 58); No New Trial for Improper Admission or Rejection of Evidence (Section 167); Contemporary Developments in the Law of Evidence: Case-Law Analysis; Impact of Forensic Science: Evidentiary Value in D.N.A. Test, Narco-Analysis etc.; Impact of Social Media in the Law of Evidence; Witness Protection Schemes;

LEADING CASES:

1. Aghnoo Nagesia v. State of Bihar 1966 SC
2. Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal and Ors. (2020) 7 SCC 1
3. Dudh Nath Pandey v. The State of U.P. AIR 1981 SC 911
4. Goutam Kundu v. State of West Bengal And Anr. AIR 1993 SC 2295
5. Mahender Chawla & Others v. Union of India & Others 2018 SCC Online SC 2678
6. M.C. Verghese v. T.J. Ponnann & Another 1969 SC
7. Nishi Kant Jha v. State of Bihar 1969 SC
8. Pakala Narayana Swami v. Emperor 1939 BOMLR
9. Palvinder Kaur v. The State of Punjab 1952 SC
10. Selvi & Others v. State of Karnataka & Another 2010 SC
11. The State of Bombay v. Kathi Kalu Oghad & Others 1961 SC

SUGGESTED READINGS:

- i. Anirudh Rastogi, Law of Information Technology and Internet, Lexis Nexis, 2014
- ii. Batuk Lal, The Law of Evidence, Central Law Agency, 2018
- iii. Dr. V. Nageswara Rao: Indian Evidence Act, LexisNexis, 2nd Ed. 2015

- iv. Ram Jethmalani and D. S. Chopra, Law of Evidence: Concise Commentary, Thomson Reuters, 2015.
- v. Justice U.L. Bhat Relevancy, Proof and Evaluation of Evidence in Criminal Cases:, Universal Law Publishing, 1st Ed. 2016
- vi. Ratanlal & Dhirajlal (Revised by Shakil Ahmad Khan), Lexis Nexis, 25th Ed.2018
- vii. Stephen Mason,ElectronicEvidence,4thEd.,2017
<http://humanitiesdigitallibrary.org/index.php/hdl/catalog/book/electronicEvidence>
- viii. Stephen Mason, Electronic Signatures in Law, 4th Ed, 2016,
<http://humanities-digital-library.org/index.php/hdl/catalog/book/electronicSignatures>
- ix. Chief Justice M Monir, Textbook on The Law of Evidence, Universal Law Publishing, 11thEd, 2018
- x. V. P. Sarathi (By Abhinandan Malik) Law of Evidence, Eastern Book Company, 7thEd., 2017, Reprinted 2018.
- xi. Woodroffe & Amir Ali (Revised by B. M. Prasad & Manish Mohan) Law of Evidence (Set of 04 Volumes): Lexis Nexis, 20th Ed. 2017.

PAPER 1112:

LAND LAWS

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

This paper shall consist of following two parts:

- | | | |
|--------------------------|---|-----------|
| (a) Written paper | — | 70 marks |
| (b) Internal examination | — | 30 marks |
| | | (15+10+5) |

Mid Semester Test: 15 marks

Project/Assignment: 10 marks

Presentation: 05 marks

The candidate must pass in Part (a) and (b) separately. For passing, he shall be required to obtain 36 percent marks in each part, i.e. 25 marks out of 70 and 11 marks out of 30 marks.

- (1) The question paper shall be divided into two (02) Parts viz. Part – A and Part – B.
- (2) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of seven (07) questions. The Candidate is required to attempt any four (04) questions. All questions carry equal marks.
- (3) The prescribed syllabus includes latest amendments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

For the overall development of the students in this field this paper is being introduced to train the students of law to have a basic and extensive knowledge about the local existing legislations in the State of Rajasthan which is indispensable at the State level for its importance.

UNIT – I

Rajasthan Rent Control Act, 2001 (including the Amendment Act, 2017):

Objectives; Definition, Concept, Key Features of the Act; Revision of Rent, Limited Period Tenancy, Eviction of Tenants, Right of Landlord to Recover Immediate Possession in Certain Cases, Restoration of Possession and procedure thereof; Tribunals, Appeal and Execution Amenities; Appointment of Rent Authority, Tenancy Agreement and Period of Tenancy; Revision of Rent In Certain Circumstances, Security Deposit and Deposit of Rent and Judicial Responses;

UNIT – II

Rajasthan Tenancy Act, 1955 (As Amended):

Objectives; Concept, Key Features of the Act; Definitions-Khudkasht, Ijredars, Grove Holder etc.: Classes of Tenants: Conferment of Rights on Sub-Tenants of Khudkasht; Primary Rights of Tenants: Lands on which Khatedari Rights do not Accrue; Surrender, Abandonment and Extinction of Tenancies; Improvements; Declaratory Suits; Determination and Modification of Rent; Payment and Recovery of Rent; Grounds for Ejectment of Tenants, Remedies for Wrongful Ejectment; Procedure and Jurisdiction of Court, Provisions for Injunction and

Appointment of Receiver; Appeal, Review, Revision; Reference; Proprietary Rights in Revenue Courts; Rights in Civil Court, Conflict of Jurisdiction and Judicial Responses;

UNIT – III

The Rajasthan Land Revenue Act, 1956 (As Amended):

Objectives; Definition, Concept, Key Features of the Act and Amendment The Board of Revenue, Revenue Courts and Officers; Appeal, Reference, Revision and Review; Land; Survey; Record of Rights, Maintenance of Maps and Record, Annual Registers; Settlement Operations; Rent Ratio, Determination of Rent, Term of Settlement; Collection or Revenue and Judicial Responses;

UNIT – IV

Real Estate (Regulation and Development) Act, 2016 (RERA) (As Amended):

Objectives; Definition, Concept, Key Features; Salient Features, Definitions; Real Estate Regulatory Authority, Registration with the Regulatory Authority, Carpet Area, Bank Account and Guarantee by Allottee, Acceptance, Refusal, Revocation, Lapse of Registration, Regulatory Authority, Advertisement or Prospectus by the Promoter, Advance Payment, Addition and Alteration in the Plans, Structural Defect, Transfer and Assignment, Refund of Amount in Handing Over Possession, Real Estate Appellate Tribunal, Adjudicating Officer, Offences and Penalty, Overriding Effect and Judicial Responses;

UNIT - V

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (As Amended):

Objectives; Definition, Concept, Key Features; Definitions: Affected Family, Agriculture Land, Cost of Acquisition, Displaced Family, Infrastructure Project, Marginal Farmer, Market Value, Person Interested, Public Purpose and Resettlement Area, Procedure of Land Acquisition; Determination of Social Impact; Consent of Land Owners; Award Inquiry and Public Purpose, Safeguard Provisions; Food Security, Rehabilitation and Resettlement Award and Procedure thereof; Rehabilitation and Resettlement Authority, Apportionment and Payment of Compensation, Offences and Penalties; Judicial Responses;

LEADING CASES:

1. Prabhu v. Ramdeo, AIR 1966 SC 172
2. Kanaimal v. KanhaiyaLal, 1966 RLW 179
3. Bohra v. Ganesh, 1966 RRD 71 (FB) 1966 RLW
4. Yasin Shah v. Munir Shah, 1967 RRD 37
5. MangiLal v. Chottu, 1967 RRD 433
6. Smt. Mulashi v. Rama Lal, 1976 RRD 88.
7. Narmada Bachao Andolan v. Union of India II (2005) CLT 57 (SC)
8. Chimanlal Hargovind Das v. Spl. Land Acquisition Officer, Poona AIR 1988 SC 1652.
9. Karnataka Urban Water Supply and Drainage board, etc. v/s K.S. Gangadharappa & Another, II (2009) CLT 309 (SC). : (2009) 11 SCC 164,

10. Maj. Gen. Kapil Mehra v. Union of India (UOI) , 2014(145) DRJ497

SUGGESTED READING:

- i. Anupam Srivastava, Guide to The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, CCH, Wolters Kluwer Business
- ii. Ajar Rab, foreword by G.S. Singhvi, Real Estate (Regulation and Development) Act, 2016, Ed. 1st Edition, 2019 EBC
- iii. Dr. Sanjeev Kumar, Real Estate (Regulation and Development) Act, 2016 Bharat Law House Pvt. Ltd. 2017
- iv. Dr. K.K. Khandelwal, Real Estate (Regulation and Development) Act, 2016 (A Commentary & Digest) RERA, 2019 C.C.H., Wolters Kluwer Business
- v. Om Prakash Aggarwala, The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, 9thed. Universal Publication, 2017
- vi. Shambhu Kumar Thakur, Real Estate (Regulation & Development) Act, 2016
- vii. Shikha Sachdeva, Rajasthan Land Laws Manual, Global Publishing House, 2017
- viii. Sawantmal Mathur and Rajendra Bafna, Rajasthan Land Revenue Code, Bafna Publishing House; 10th edition 2017
- ix. S.K. Dutt & B.N. Purohit, Rent Control Law in Rajasthan, Unique Traders, Jaipur, 2018

PAPER 1113:

BANKING LAWS

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

This paper shall consist of following two parts:

- | | | |
|--------------------------|---|-----------|
| (a) Written paper | — | 70 marks |
| (b) Internal examination | — | 30 marks |
| | | (15+10+5) |

Mid Semester Test: 15 marks

Project/Assignment: 10 marks

Presentation: 05 marks

The candidate must pass in part (a) and (b) separately. For passing, he shall be required to obtain 36 percent marks in each part, i.e. 25 marks out of 70 and 11 marks out of 30 marks.

- (1) The question paper shall be divided into two (02) Parts viz. Part – A and Part – B.
- (2) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of seven (07) questions. The Candidate is required to attempt any four (04) questions. All questions carry equal marks.
- (3) The prescribed syllabus includes latest amendments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

A vitally important economic institution the banking system is deeply influenced by socio-political and economic changes. The emerging changes in India, particularly after the initiation of the planning process as an instrument of rapid economic development had moulded and affected the banking structure, policies, patterns and practices. A significant development in the banking system is diversification in banks financing. The commercial banks entered 'into the field of wide ranging financial assistance to industry, both large and small scale, requiring the need for social control of the banking system eventually leading to the nationalization of banks. This course is designed to acquaint the students with the conceptual and operational parameters of banking law, the judicial interpretation and the new and emerging dimensions of the banking system. Also The Negotiable Instruments Act, 1881 is being included with the objective to acquaint the students undergoing law course in Rajasthan who desire to serve the Country by being a part of the Judicial Services of the State of Rajasthan.

UNIT - I

The Banking Regulation Act, 1949, including the Amendment Act(s) 2017 and 2020:

Need, Importance, Objectives; Definition, Concept, Key Features; Preliminary; Business of Banking Companies; Control Over Management; Supersession of Board of Directors of Banking Company; Prohibition of Certain Activities In Relation To Banking Companies; Acquisition of The Undertakings of Banking Companies In Certain Cases; Suspension of Business And Winding-Up of Banking Companies ; Special Provisions For Speedy Disposal

of Winding Up Proceedings; Provisions Relating To Certain Operations of Banking Companies; Miscellaneous and Judicial Responses;

UNIT - II

Reserve Bank of India Act, 1934, (as amended by the latest Finance Act, currently 2023 and onwards):

Need, Importance, Objectives; Definition, Concept, Key Features; Preliminary Incorporation, Capital, Management And Business; Central Banking Functions, Collection And Furnishing of Credit Information; Provisions Relating To Non-Banking Institutions Receiving; Deposits and Financial Institutions; Prohibition of Acceptance of Deposits by Unincorporated Bodies; Regulation Of Transactions In Derivatives, Money Market Instruments, Securities, etc.; Joint Mechanism; Monetary Policy; General Provisions; Penalties and Judicial Responses;

UNIT - III

The Deposit Insurance And Credit Guarantee Corporation Act, 1961:

Need, Importance, Objectives; Definition, Concept, Key Features; Preliminary; Establishment and Management of the Deposit Insurance and Credit Guarantee Corporation; Registration of Banking Companies and Co-Operative Banks as Insured Banks and Liability of Corporation to Depositors; Credit Guarantee Functions; Funds, Accounts and Audit; Miscellaneous and Judicial Responses;

UNIT - IV

The State Bank of India Act, 1955:

Need, Importance, Objectives; Definition, Concept, Key Features; Preliminary; Incorporation and Share Capital of State Bank; Transfer of Undertaking of The Imperial Bank To State Bank; Shares; Management; Business of The State Bank Funds, Accounts And Audit; Miscellaneous and Judicial Responses;

UNIT - V

Negotiable Instruments Act, 1881 including the Amendment Act(s), 2015 and 2018:

Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Amendments and Judicial Responses;

LEADING CASES:

1. Bhawanipore Banking Corpn. Ltd. v. Gauri Shanker Sharma, AIR (1950) SC 6.
2. The Bharat Bank Ltd. Delhi v. The Employees of Bharat Bank Ltd. and the Bharat Bank Employee's Union, AIR 1950 SC 188.
3. V. Ramaswami Aiyanger & others v. N.V. Kailasa Thever, AIR 1951 SC 185.
4. Mahaveer Prasad Bubna v. Union Bank of India, AIR (1992) Cal. 270.
5. Narayandas Bhagwandas Patni v. Union of India, 1993 M 311.LJ 1229.
6. Dilip Hariramani v. Bank of Baroda, 2022 SCC OnLine SC 579
7. In Re: Expeditious Trial of Cases under Section 138 OF N.I. Act 1881: Criminal Original Jurisdiction: Suo Motu Writ Petition (CRL.) NO.2 OF 2020; (2021) SCC Online SC 325

SUGGESTED READINGS:

- i. M.L. Tannan, Tannan's Banking Law and Practice in India (1997) India Law House, New Delhi, 2 Volumes.
- ii. ICSI, Banking and Insurance Law and Practice, Institute of Company Secretaries of India, Taxmann Publishers, 2010.
- iii. K.C. Shekhar, & Lekshmi Shekhar, Banking Theory and Practice, Vikas Publishing House, 19th edition, 2005.
- iv. Jyotsana Sethi & Nishwar Bhatia, Elements of Banking and Insurance, PHI Publishers, 2nd edition, 2013.
- v. Shrinivas Gupta Bhashyam & Adiga, The Negotiable Instruments Act (with Case-law on Dishonour of Cheques, Specimen Notices & Complaints), Bharat Law House, Delhi, 2018.
- vi. Refer to Government original websites for downloading and reading all Acts.

PAPER 1114:

LAW OF CRIMES – II
(CODE OF CRIMINAL PROCEDURE – II)

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

This paper shall consist of following two parts:

- | | | |
|--------------------------|---|-----------|
| (a) Written paper | — | 70 marks |
| (b) Internal examination | — | 30 marks |
| | | (15+10+5) |

Mid Semester Test: 15 marks

Project/Assignment: 10 marks

Presentation: 05 marks

The candidate must pass in part (a) and (b) separately. For passing, he shall be required to obtain 36 percent marks in each part, i.e. 25 marks out of 70 and 11 marks out of 30 marks.

- (1) The question paper shall be divided into two (02) Parts viz. Part – A and Part – B.
- (2) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of seven (07) questions. The Candidate is required to attempt any four (04) questions. All questions carry equal marks.
- (3) The prescribed syllabus includes latest amendments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

The criminal procedure code is very important subject for law students. Criminal procedure has to be just, fair and reasonable to the accused as well as to the victims. This imposes duty upon those connected with the criminal process to abide by law and to exercise discretion conferred on them in the best manner. Apart from this, the Juvenile Justice law, Protection of Women from Domestic Violence and Probation of Offenders Act(s) are combined with the study of Criminal Procedure and are introduced with the objective to acquaint the students undergoing law course in Rajasthan who desire to serve the Country by being a part of the Judicial Services of the State of Rajasthan.

UNIT - I

Judgment (Sections 353 - 365); Appeals (Sections 372 - 394); Reference and Revision (Sections 395 - 405); Execution, Suspension, Remission and Commutation of Sentences (Sections 413 - 435);

UNIT-II

Order for Maintenance of Wives, Children and Parents (Sections 125 - 128); Judicial Responses; Plea Bargaining (Sections 265A - 265L); Submission of Death Sentences for Confirmation (Sections 366 - 371);

UNIT - III

Transfer of Criminal Cases (Sections 406 - 412); Irregular Proceedings (Sections 460 - 466) read with Section 167 of the Indian Evidence Act, 1872; Limitation (Sections 467 - 473); Miscellaneous (Sections 474 - 483); Contemporary Developments in the Code; *The Criminal Procedure (Identification) Act, 2022*;

UNIT-IV

Probation of Offenders Act, 1958:

Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Judicial Responses;

Protection of Women from Domestic Violence Act, 2005:

Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Judicial Responses;

UNIT-V

Juvenile Justice (Care and Protection of Children) Act, 2015, including the Amendment Act, 2021: Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Judicial Responses;

LEADING CASES:

1. D. K. Basu v. State of West Bengal (1997) 1 SCC 416.
2. Danial Latifi & Anr. v. Union of India AIR 2001 SC 3958.
3. Kashmira Singh v. State of Punjab, (1977) 4 SCC 291.
4. Lalita Kumari v. Govt. of U.P., (2014) 2 SCC 1
5. Pritam Singh v. State of Punjab, AIR 1956 SC 415
6. Purshottam Das Dalmia v. State of West Bengal, AIR 1968 SC 1589
7. Sakiri Vasu v. State of U.P. and Others (2008) 2 SCC 409
8. Satwant Singh v. State of Punjab, AIR 1956 SC 286
9. State of U.P. v. Singhara Singh, AIR 1964 SC 359
10. Tahsildar Singh v. State of U.P., 1959 AIR SC 1012

SUGGESTED READINGS:

- i. Chandrasekharan Pillai, (ed.), Kelkar's Outline of Criminal Procedure, Eastern Book Company, Lucknow, 06th Ed. 2016.
- ii. D. D. Basu, Criminal Procedure Code 1973, Vol. I & II, LexisNexis, 2017
- iii. Gaur K.D. Textbook on the Code of Criminal Procedure, Universal Law Publication, 2016
- iv. Ratanlal and Dhirajlal, Code of Criminal Procedure, LexisNexis, 23rd Ed. 2020
- v. Sarkar on Criminal Procedure Code, Vol. I.& II., LexisNexis, 2013
- vi. Sir John Woodroffe, Commentaries on Code of Criminal Procedure (in 2 Vols.) Ed.3rd edition, Law Publishers India Pvt. Ltd., Reprint 2018
- vii. Sohoni's Code of Criminal Procedure, 1973 (Set of 5 Volumes), 22nd Ed, Lexis Nexis, 2018.

PAPER 1115:

**CODE OF CIVIL PROCEDURE
AND LIMITATION ACT - I**

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

This paper shall consist of following two parts:

- | | | |
|--------------------------|---|-----------|
| (a) Written paper | — | 70 marks |
| (b) Internal examination | — | 30 marks |
| | | (15+10+5) |

Mid Semester Test: 15 marks

Project/Assignment: 10 marks

Presentation: 05 marks

The candidate must pass in part (a) and (b) separately. For passing, he shall be required to obtain 36 percent marks in each part, i.e. 25 marks out of 70 and 11 marks out of 30 marks.

- (1) The question paper shall be divided into two (02) Parts viz. Part – A and Part – B.
- (2) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of seven (07) questions. The Candidate is required to attempt any four (04) questions. All questions carry equal marks.
- (3) The prescribed syllabus includes latest amendments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

The Code of Civil Procedure, 1908 is subject of daily use by the Civil Courts and lawyers. Students cannot afford to have scant knowledge of civil procedure when he goes out to practice as a lawyer. It is necessary to have good grounding in the subject before one enters the profession. The substantive law determines the rights of persons affected by action. The main objective of this course is to give to the student a thorough knowledge of civil procedural law especially related to working of civil courts and other adjudicating authorities.

UNIT-I

Code of Civil Procedure, 1908: Sections 1-25 and Orders I-XX Application of the Code, Definitions: Decree, Decree-holder, Government Pleader, Judgment, Judgment-Debtor, Legal Representative, Mesne Profits, Order, Pleader, Public Officer, Foreign Court, Foreign Judgment; Affidavits, Suit; Distinction between Civil and Criminal Procedure, Substantive and Procedural Law, Significance of Procedural Law for a Just Society; History of Civil Procedure in India, Scheme of the Code of Civil Procedure; Subordination of Courts; Application of the Code to Revenue Courts; Pecuniary Jurisdiction; Courts to try all civil suits unless barred; Stay of Suit; Jurisdiction of the Civil Courts;

UNIT - II

Res Sub-Judice, Res–Judicata, Presumptions as to Foreign Judgment, Place of Suits, Parties to a suit; Frame of Suit Transfer of Suits and Appeal, Institution of Suit, Joinder, Non–Joinder and Mis–joinder of Parties and Causes of Action, Service of Summon, Pleading–Plaint and Written Statement; Appearance of the Parties and Consequences of Non Appearance;

UNIT-III

Pleading: Meaning, Object, General Rules, and Amendment of Pleading; Plaint; Issue and Service of Summons; Written Statement; Examination of Parties by the Court; Discovery and Inspection; Admissions; Production, Impounding and return of Documents; First Hearing; Summoning and Attendance of Witnesses; Settlements of Issues, Adjournments; Hearing of the Suit and Examination of Witnesses; Affidavits; Judgment and Decree;

UNIT-IV

Execution of Decrees and Orders, Courts by which Decrees may be Executed, Powers of the Court Executing the Decrees, Questions to be determined by the Court Executing the Decree; Transfer of decrees for Execution, Stay of Execution. Modes of Execution: Arrest and Detention in Civil Prison, Attachment of Properties, Sale and Other Modes;

UNIT - V

Death, Marriage and Insolvency of the Parties, Withdrawal and Adjustment of the Suits, Security of Costs, Commission, Suits of Special Nature and Supplemental Proceedings; Appeals from Original Decrees, Appeals from Appellate Decrees, Appeals from Orders, Appeals before the Supreme Court, Reference, Review and Revision; Judgment and Decree: Judgment: Definition, Essentials, Pronouncement, Contents and Alteration: Decree: Definition, Essentials, Types, Drawing up of a Decree, Contents and Decree in particular cases Interest and Costs;

LEADING CASES:

1. A.V. Papayya Sastry & Ors. v. Government of A.P. & Ors. (2007) 4 SCC 221
2. Daryao and others v. The State of U.P. and others AIR 1961 SC 1457
3. Forward Construction Co. &Ors. Etc. Etc. v. Prabhat Mandal (Regd.) Andheri & Ors. Etc. Etc. AIR 1986 SC 391
4. Indian Young Lawyers Association &Ors. v. The State of Kerala & Ors. 2018 SCC OnLine SC 1690
5. M. Siddiq (D) Through LR's v. Mahant Suresh Das &Ors. Online SCC 1440 SC 2019
6. Shri Uttam Chand (D) through LR's. v. Nathu Ram (D) through LR's. & Ors. Civil Appeal No. 190 of 2020 (decided on 15th Jan., 2020) SC 2020
7. S.P. Chengalvaraya Naidu v. Jagannath AIR 1994 SC 853
8. Sri V.N. Krishna Murthy &Anr. Etc. Etc. v. Sri Ravikumar & Ors. Etc. Etc. Civil Appeal Nos. 2701-2704 of 2020 (decided on 21 August, 2020), SC 2020
9. Sudam Kisan Gavane (D) Thr. LRs. &Ors. v. Manik Ananta Shikketod (D) By LR's. & Ors. ICL 2019 SC 1015

10. Varadarajan v. Kanakavalli and Ors. (decided on 22nd January, 2020), SC 2020

SUGGESTED READINGS:

- i. Avtar Singh, Code of Civil Procedure, Central Law Publication, Allahabad, 2019.
- ii. C.K. Takwani: Civil Procedure, 4th Edition, Eastern Book Co., Lucknow, 2007.
- iii. Medha Kolhatkar, Commentary on Limitation Act by T.R. Desai, Lexis Nexis, 12th Edition, 2019.
- iv. Medha Kolhatkar, M.P. Jain's Civil Procedure Code, LexisNexis, 5th Edition, 2019.
- v. Mulla, Code of Civil Procedure: Tripathi (Abridged Edition), and (Student Edition), 2010.
- vi. Sanjiva Row : Code of Civil Procedure, 3rd Ed., (in 4 Vols.), Law Book Co., Allahabad, 2016.
- vii. Sarkar's Law of Civil Procedure, Universal Law Publishing, Delhi, 2016.
- viii. Shailendra Malik, Code Of Civil Procedure, 27 th Edition, Allahabad Law Agency, 2011.
- ix. Shrinivas Gupta, The Limitation Act, 3rd ed, Universal Law House, 2016.
- x. Sukumar Ray, Textbook on the Code of Civil Procedure, Universal Law Book Company, 2008.
- xi. T. R. Desai, Commentary on the Limitation Act, 11th Ed., Universal Law House, 2016.