

## **COURSE MODULE**

### **CODE OF CIVIL PROCEDURE, 1908**

Welcome to our Ultimate course on the Code of Civil Procedure 1908, specifically designed for law students preparing for judicial services in India. If you aspire to excel in the field of law and pursue a career as a judicial officer, this course is tailored to equip you with the knowledge and skills necessary to navigate the intricate world of civil procedure. With a laser focus on the Code of Civil Procedure 1908, we at Doon Law Mentor delve into its provisions, intricacies, and practical applications, landmark judgements ensuring you gain a thorough understanding of this fundamental legislation. Through interactive lessons, discussions, and in-depth content, we aim to empower you with the expertise required to excel in your exams and succeed in your legal profession. Join us on this journey as we unlock the complexities of civil procedure and set you on the path to becoming a confident and proficient judicial officer.

Course Module :

MODULE 1: Introduction to Code of Civil Procedure 1908

- Overview of the Code of Civil Procedure 1908
- Historical background and evolution of the Code
- Objectives and scope of the Code
- Effect of Special and local laws (Sec. 4-5)
- Small Cause courts (Sec. 7-8)
- Key definitions and concepts (Sec. 2)

MODULE 2: Jurisdiction and Territoriality

- Jurisdiction of civil courts
- Subordination of Courts
- Types of jurisdiction
- Territorial & Pecuniary
- Original, Appellate, and Revisional
- Determining jurisdiction in civil suits
- Objections to jurisdiction and their resolution
- Dismissal of suit v. return of plaint
- Special jurisdiction provisions in specific cases
- Suit of civil nature
- Suits expressly or impliedly barred

MODULE 3: Stay of Suit – Sec. 10

- Doctrine of Res sub judice
- Stay of suit
- Conditions for application of Sec. 10
- Sec. 10 & Inherent powers of court
- Exceptions to rule of res sub judice

MODULE 4: Res Judicate – Bar of Suit (Sec. 10)

- Res judicata – meaning, object & principles
- Conditions
- Res judicata v. Estoppel
- Res judicata v. Lis pendens

- Res judicata v. Res sub judice
- Res judicata v. Stare decisis
- Res judicata v. Withdrawal of suit
- Landmark Judgements

#### MODULE 5 – Foreign Judgements

- Meaning & Scope
- Conclusiveness of foreign judgements
- Foreign judgements not on merits
- Foreign judgements against international or Indian law
- Foreign judgements opposed to natural justice/ obtained by fraud et.
- Presumptions as to foreign judgements

#### MODULE 6: Parties to the Suit

- Classification of parties: Plaintiffs, Defendants, and Necessary/Proper Parties
- Joinder and misjoinder of parties
- Legal representation of parties
- Substitution and addition of parties
- Role of parties in civil proceedings

#### MODULE 7: Pleadings and Written Statements

- Meaning and purpose of pleadings
- Complaint: Contents, particulars, and verification
- Written statement: Filing, contents, and importance
- Amendment and withdrawal of pleadings
- Consequences of non-compliance with pleading requirements

#### MODULE 8: Suits and Proceedings

- Institution of suits: Place, Filing, presentation, and scrutiny
- Summons and service of process
- Appearance of parties and consequences of non-appearance
- Examination and cross-examination of witnesses
- Temporary Injunctions
- Interlocutory orders and their implications
- Suit by or against government

#### MODULE 9: Execution of Decrees and Orders

- Execution proceedings and their initiation
- Modes of execution: Arrest, attachment, and sale
- Stay of execution and its conditions
- Exemptions and exceptions in execution
- Execution of foreign decrees in India

#### MODULE 10: Appeals and Reviews

- Appellate jurisdiction and hierarchy of courts
- Filing of appeals: Time limits, documents, and fees
- Appellate procedure and appellate orders
- Review of judgments and orders
- Revisional powers of the higher courts

#### Module 11: Reference, Review, and Revision

- Reference to high courts and supreme court
- Review of judgments and orders by the same court
- Revisional jurisdiction and its exercise
- Grounds for reference, review, and revision
- Powers and limitations of the courts in these matters

#### MODULE 12: Special Provisions

- Interim orders and injunctions
- Appointment of receivers and commissioners
- Public interest litigation (PIL)
- Execution of decrees against the government
- Compensation and mesne profits
- Suit/appeals by indigent persons
- Interpleader suits
- Affidavits
- Restitution
- Caveat

#### **Benefits of Studying the Ultimate Course on the Code of Civil Procedure 1908:**

1. **In-depth Understanding:** This course provides you with a comprehensive understanding of the Code of Civil Procedure 1908, ensuring you have a strong foundation in the principles, procedures, and key provisions of civil law. You will gain a deep insight into the intricacies of civil procedure, empowering you to navigate complex legal scenarios with confidence.
2. **Exam Preparation:** Designed specifically for law students preparing for judicial services in India, this course is tailored to meet the requirements of your exams. You will receive targeted guidance, relevant study materials, and exam-oriented content, helping you excel in your exams and achieve the best possible results.
3. **Practical Application:** Our course goes beyond theoretical knowledge by focusing on the practical application of the Code of Civil Procedure 1908. You will learn how to apply legal principles to real-world scenarios, develop critical thinking skills, and enhance your ability to analyze and solve civil law cases effectively.
4. **Professional Advancement:** By mastering the Code of Civil Procedure 1908, you will enhance your professional prospects in the legal field. Whether you aspire to become a judicial officer, advocate, or legal practitioner, a comprehensive understanding of civil procedure is essential for a successful career in law.
5. **Confidence and Competence:** This course equips you with the expertise and confidence required to handle civil law cases efficiently. You will be able to draft effective pleadings, navigate court proceedings, and present your arguments persuasively. The knowledge gained from this course will enable you to excel in your legal practice and make a positive impact in the field of law.
6. **Flexibility and Convenience:** Our online course provides you with the flexibility to study at your own pace and convenience. You can access the course materials anytime, anywhere, allowing you to balance your studies with other commitments.
7. **Expert Guidance:** The course is created by legal experts who have a deep understanding of the Code of Civil Procedure 1908 and the judicial services exam

pattern. You will benefit from their expertise, guidance, and support throughout your learning journey.

Invest in your legal education and future success by enrolling in our ultimate online course on the Code of Civil Procedure 1908. Acquire the knowledge, skills, and confidence necessary to excel in your exams, enhance your legal career prospects, and make a meaningful contribution to the field of law.