



Gyanmanjari
Innovative University

Course Syllabus
Gyanmanjari Institute of LAW
Semester-5 (LL.B.)

Subject: Civil Procedure Code and Limitation Act -LAWLL15524

Type of course: Major (Core)

Prerequisite:

Students should have a basic understanding of the Indian legal system, sources of law, and fundamental principles of civil law such as contract and property. Familiarity with legal terminology, court structure, and basic legal reasoning is necessary to understand pleadings, procedures, and judicial processes under the Code of Civil Procedure, 1908.

Rationale:

The Code of Civil Procedure, 1908 is essential as it governs the procedure for enforcing civil rights through courts. It provides the framework for filing suits, conducting trials, granting interim reliefs, appeals, and executing decrees. The subject builds procedural understanding and litigation skills, making it crucial for both academic study and practical legal practice.

Teaching and Examination Scheme:

Teaching Scheme			Credits	Examination Marks			Total Marks
CI	T	P	C	Theory Marks		CA	150
				SEE	MSE	ALA	
05	01	00	06	100	30	20	

Legends: CI-Classroom Instructions; T- Tutorial; P- Practical; C- Credit; SEE- Semester End Evaluation; MSE- Mid Semester Examination; CA-Continuous Assessment; ALA- Active Learning Activities.



Course Content:

Sr. NO	Course Content	Hrs.	% Weightage
1.	Civil Procedure Code Introduction - History of the code, extent and its application, definition; - Distinction between procedural law and substantive law - Suits: Jurisdiction of the civil courts- - Kinds of jurisdiction-Bar on suits- Suits of civil nature (Sec.9); - Doctrine of Res sub judice and Res judicata (Sec. 10, 11 and 12); - Foreign Judgment (Sec. 13, 14); - Place of Suits (Ss. 15 to 20); - Transfer of Cases (Ss. 22 to 25). - Institution of suits and summons: (Sec. 26 and Sec. 27, 28, 31) - Interest and Costs (Sec. 34, 35, 35A, B).	15	20
2.	Pleadings, Parties, Interim Orders & Trial Preparation - Pleading - Fundamental rules of pleadings, Plaint and Written Statement; Return and rejection of plaint. - Defenses- Set off and Counter claim; - Parties to the suit : Joinder, misjoinder and non-joinder of parties- Misjoinder of causes of action- Multifariousness. - Appearance and examination of parties ,Ex-parte proceedings - Discovery, inspection and production of documents - First hearing and framing of issues - Admission and affidavit - Adjournment - Death, marriage-Insolvency of the parties - - Withdrawal and compromise of suits - - Effect of death, marriage, insolvency of parties - Set-off and counterclaims - Interim orders - commission - Arrest/attachment before judgment - Injunction - Receiver - Interest and cost	15	20



3.	Special Suits & Execution of Decrees: • Judgment and Decree ; Execution (Sec. 30 to 74,) • General principles of execution Power of executing court- Transfer of decrees for execution Mode of execution- • Arrest and detention, Attachment • Suits in particular cases; Suits by or against Governments (Sec. 79 to 82) • Suits by aliens and by or against foreign rulers, ambassadors (Sec. 85 to 87) • Suits relating to public matters (Sec. 91 to 93) • Suits by/against firms • Indigent persons suits (Order 33) • Interpleader suits • Summary suits and special proceedings • Execution • Stay of execution	15	20
4.	Appeals, Review & Supervisory Jurisdiction • Appeals: concept and general principles • First appeal & second appeal • Appeals from original decree • Appeals from appellate decree • Appeals from orders • Appeal to Supreme Court • Review, revision & reference • Transfer of cases • Restitution • Caveat proceedings • Inherent powers of courts (Section 151 CPC).	15	20



5.	Indian Limitation Act, 1963 • Concept and object of limitation law • Principle: "Law assists the vigilant" • Limitation vs laches, acquiescence, prescription • Extension & suspension of limitation • Government liability for delay • Sufficient cause • Illness • Mistaken legal advice • Mistaken view of law • Poverty, minority, imprisonment • Defective vakalatnama • Foreign limitation laws • Acknowledgement: essential requirements • Continuing tort & continuing breach of contract • Judicial interpretations	15	20
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Continuous Assessment:

Sr. No	Active Learning Activities	Marks
1	Group Discussion: Students will be divided into groups of three students in each group, they will conduct a discussion on the most important topics, write the underlying main points For e.g.: amending powers of courts, res-judicata, res-sub judice etc. and upload it on GMIU Web Portal.	10
2	Civil Court Visit: Students are supposed to visit the civil court of the District and observe the proceedings of the Court. Students will then write their observations in a report form and upload it on GMIU web portal.	10
Total		20

List of Suggested Tutorials:

Sr.	Suggested tutorials	Credits - 1 (15 hours)
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1	Flowchart of Civil Justice System under CPC: Faculty will guide the students in preparing a detailed flowchart showing the stages of a civil case under the Code of Civil Procedure, 1908. The flowchart should include institution of suit, pleadings, framing of issues, trial, judgment, and decree. Students should explain each stage briefly in class.	2
2	Comparative Chart: Civil vs Criminal Procedure: Faculty will explain through the comparative chart highlighting the major differences between civil procedure and criminal procedure. The chart should include objectives, parties, burden of proof, and outcomes. This helps students understand the nature of civil litigation. Students will thereafter prepare such chart by themselves using their learnings from the session and their own creativity.	2
3	Interim Order Application Drafting: Students shall draft an application for temporary injunction or a stay based on facts given by the faculty. They should include legal grounds, urgency, and relief sought. The focus is on practical drafting skills used in court proceedings. Faculty will guide them accordingly during the session.	1
4	Role Play: Framing of Issues: Students shall participate in a role play where one group acts as plaintiff and another as defendant before a "judge." The class shall frame issues based on pleadings. The activity develops analytical and courtroom skills.	2
5	Video lecture on- Types of Decrees and Orders: Faculty will show to the students a video on different types of decrees (preliminary, final, ex parte) and orders under CPC. Each type should include a short explanation and example. The chart should be visually clear and structured.	1
6	Debate on Condonation of Delay: Sufficient Cause for Delay" – Debate the concept of condonation of delay and the meaning of "sufficient cause" under the Civil Procedure Code. Analyze judicial approaches in balancing procedural discipline with the interests of justice.	2
7	Group Discussion on Res Sub Judice and Res Judicata: Explain the concepts of Res Sub Judice and Res Judicata under the Civil Procedure Code. Compare their objectives, essential conditions and legal effects with suitable examples.	1



8	Case Study on Temporary Injunctions and Judicial Protection of Rights: Analyze the principles governing the grant of temporary injunctions and interim relief. Discuss important judicial decisions relating to the protection of legal and equitable rights. .	1
9	Group video of First Appeal and Second Appeal: Students will make a group video in pairs describing the provisions relating to First Appeal under Section 96 and Second Appeal under Section 100 of the Civil Procedure Code.	1
10.	Group discussion on: Joinder, Misjoinder and Non-Joinder of Parties – Study the legal principles relating to joinder, misjoinder and non-joinder of parties in civil proceedings. Analyze their effect on the maintainability of suits with reference to relevant provisions and case laws.	2
Total		15

Suggested Specification table with Marks (Theory): 100

Distribution of Theory Marks (Revised Bloom's Taxonomy)						
Level	Remembrance (R)	Understanding (U)	Application (A)	Analyze (N)	Evaluate (E)	Create (C)
Weightage	20%	20%	20%	20%	20%	--

Note: This specification table shall be treated as a general guideline for students and teachers. The actual distribution of marks in the question paper may vary slightly from above table.

Course Outcomes:

After learning the course, the students should be able to:	
CO1	Understanding the nature, scope and objectives of the Civil Procedure Code, 1908, including the distinction between substantive and procedural law, along with the analytical skills necessary to interpret and apply procedural rules in civil litigation effectively.
CO2	Remembering a comprehensive nature of the jurisdiction of civil courts, institution of suits, place of suing, transfer of cases, set-off and counter claim along with the analytical skills necessary to resolve jurisdictional and procedural issues effectively.
CO3	Applying a comprehensive understanding of interim orders, temporary injunctions, receivers, commissions, attachment before judgment, and other provisional remedies, along with the analytical skills necessary to assess and apply appropriate interim reliefs in civil proceedings.



CO4	Evaluating the difference between first appeal, second appeal, appeals from original decrees, appellate decrees, and appeals from orders.
CO5	Analyzing the provisions of the Limitation Act, 1963 to determine limitation periods, evaluate procedural delays, and resolve limitation-related disputes in civil matters.

Instructional Method:

The course delivery method will depend upon the requirement of content and the needs of students. The teacher, in addition to conventional teaching methods by black board, may also use any tools such as demonstration, role play, Quiz, brainstorming, MOOCs etc.

From the content 10% topics are suggested for flipped mode instruction. Students will use supplementary resources such as online videos, NPTEL/SWAYAM videos, e-courses. The internal evaluation will be done on the basis of Active Learning Assignment.

Practical/Viva examination will be conducted at the end of semester for evaluation performance of students in the laboratory.

Reference Books:

- [1] Jain, M. P. (2023). *The Code of Civil Procedure* (8th ed.). LexisNexis.
- [2] Mulla. (2023). *Mulla: The Code of Civil Procedure* (Vol. 3, 20th ed.). LexisNexis.
- [3] Takwani, C. K. (2023). *Civil Procedure* (9th ed.). Eastern Book Company.
- [4] Jamnadas & Co. (2023). *The Code of Civil Procedure*. C. Jamnadas & Co.

