

## B.A.LL.B (Hons.) 5 YEARS INTEGRATED COURSE

### SEMESTER-VIII

Course Code	BAL801
Course Title	Civil Procedure Code-II
Type of Course	Core
L T P	5 1 0
Credits	6
Course Prerequisites	12 <sup>th</sup>
Course Objectives (CO)	To acquaint the students with the basic principles of procedural law in civil matters especially with regard to execution of decrees and orders, procedure for appeals in civil matters and also the basic principles of law of Limitation as applicable to suits appeals and applications.

#### UNIT-I

Concept of Execution: Meaning and Scope

Courts which may execute decrees (Ss. 36-45)

Application for execution of a decree: Who may apply for execution, Against whom execution may be sought , procedure, execution of cross decrees (Order XXI Rules 10-23)

Stay of execution (Order XXI, Rules 26-29);

Modes of execution (SS. 51-54, Order XXI, Rules 30-36);

Arrest and Detention (Ss. 55-59 and Order XXI Rules 37-40)

Attachment of property in execution of a decree; Non-attachable property (Section 60); Modes of Attachment of property (Order XXI, Rules 41-54)

Transfer of property under attachment (Section 64)

Notice to a Garnishee (Order XXI, Rule 46-A, 46-B);

Precept (S.46);

#### UNIT –II

Adjudication of claims and objections (Order XXI Rules 58, 59);

Questions to be determined by an Executing court (S. 47)

Sale of attached property: General Procedure, (Rules 64-73), Sale of Movable property (Rules 74-78), Sale of Immovable property (Rules 82-88),  
Setting aside and confirmation of execution sale (Order XXI, Rules 89-94);  
Delivery of Property: (Order XXI, Rules 79-81, 95-96)  
Resistance to delivery of possession (Order XXI, Rules 97-103)  
Ratable distribution of Assets (S. 73);

### **UNIT –III**

Appeals: Nature of right of appeal;  
Appeals from original decrees / First Appeals (Section 96-99),  
Appeals from Appellate Decrees / Second Appeals (Ss. 100-103, Order XIII),  
Appeals from Orders (Ss. 104-106, Order XLII)  
Appeals to the Supreme Court (Sections 109-112, Order XL V);  
Procedure of Appeals and Powers of Appellate Court (S. 107, Order XLI)  
Reference (Section 113, Order XLVI);  
Review Section 114, (Order XLVII)  
Revision Section 115

### **UNIT –IV**

Limitations Act, 1963:  
General Principles of Law of Limitation  
Limitation of Suits, Appeals and Application (Ss. 3-4)  
Condonation of Delay (S. 5)  
Period of limitation to institute a suit in case of legal disability (Ss. 6-8)  
Continuous running of time (S.9)  
Computation of period of Limitation (Ss. 12-24)  
Acquisition of easement by prescription (Ss. 25-26)  
Extinguishment of right to property(S. 27)

***Suggested Readings:***

Mulla, *The Code of Civil Procedure* , Lexis Nexis Butterworths, 19th edn., 2017

Takwani, C.K., *Civil Procedure*, 2017, Eastern Book Company, Lucknow, 8th edn., 2017

Sarkar, *Code of Civil Procedure*, Lexis Nexis, 12th edn., 2016

Jain, M.P., *The Code of Civil Procedure*, Lexis Nexis Butterworths, India 5th edn., 2019

Nandi, A.K. and Sen Gupta, S.P. , *The Code of Civil Procedure*, Kamal Law House, Kolkata, 3rd Ed., 2009

Mathur, D.N, *The Code of Civil Procedure*, Central Law Publications, Allahabad, 4th edn., 2017

Singh, Avtar , *Code of Civil Procedure*, Central Law Publications, Allahabad, 4th edn., 2015

Tandon's, *The Code of Civil Procedure* , Allahabad Law Agency, Faridabad, 28th edn., 2016

Basu's, *Law on Limitation Act*, Delhi Law House, 6th edn.

Mitra, B.B Mitra, *The Limitation Act*, Eastern Law House, 21st edn.

Jain, J.D., *Indian Limitation Act*, Allahabad Law Agency, 2016