

CODE OF CIVIL PROCEDURE, 1908

Section Heading

Days/Months Details

Section Heading	Days/Months	Details
2(a) DEFINITIONS		
Order		Formal expression of any decision of Civil Court.
Judgment		Statement of Judge on grounds of Decree/Order.
Judgment Debtor		The person against whom the Decree is passed/Order made.
6 Pecuniary limits		Amount/Value not exceeding ordinary jurisdiction of pecuniary limits.
9 Courts to try suits unless barred		All civil suits try except, suits barred.
10 Stay of Suit		
11 Res Judicata		D/S between same parties passed.
15 Courts in which suits to be instituted		Lowest grade competent.
19 Suits for compensation for wrongs to person or movables		<ul style="list-style-type: none"> ➤ File suit in place where property is situate – in case of Immovable properties ➤ File suit where defendant resides/cause of action arose- for movables
21 Objections to Jurisdiction		<ul style="list-style-type: none"> ✓ Place- court of first instance ✓ Pecuniary- court of first instance ✓ Execution- Execution Court at the earliest
24 General power of transfer and withdrawal		
25 Power of Supreme Court to transfer suits, etc.		Motion + Affidavit
26 Institution of Suits		Every suit Plaintiff (or) other manner prescribed + facts proved by Affidavit.
27 Summons to Defendants		Not exceeding 30 days of suit institution
34 Interest		6% p.a. + additional 6% p.a. (for commercial transactions). Where Interest is silent on decree, then it is not allowed in separate suit.
35 Costs		Full power of Court to award costs.
35A		
39 Transfer of decree		Upon application of decree-holder, send to court of competent jurisdiction where the defendant resides / property situated / Immovable property is situate / other reasons.
46 Precepts	2 M	Attach not exceeding 2 months
47 Questions to be determined by the Court executing Decree		
55 Arrest and Detention		Civil prison. No arrest after sunset and before sunrise.
56 Prohibition of arrest or detention of women in execution of decree for money		No orders.
58 Detention and release	3 M	<ul style="list-style-type: none"> ➤ Not exceeding Rs.5,000 for 3 months ➤ Not exceeding Rs.2,000 for 1.5 months
60 Property liable to attachment and sale in execution of decree.	2/3 M	<ul style="list-style-type: none"> ✓ No Salary Rs.1,000/- + 2/3 M ✓ PPF ✓ Etc.
74 Resistance to execution	30 D	Detain upto 30 days
80 Notice	2 M	<ul style="list-style-type: none"> • For Govt. officials - 2 M

CODE OF CIVIL PROCEDURE, 1908

Section Heading

Days/Months Details

Section Heading	Days/Months	Details
89	Settlement of disputes outside Court	<ul style="list-style-type: none"> Shorter notice - take leave of court Arbitration, Conciliation, Mediation, Judicial settlement in lok adalat.
91	Public nuisances	Attorney General /2 or more with leave of court. Apply in principle Civil Court of Original Jurisdiction.
92	Public charities	Attorney General /2 or more with leave of court. Apply in principle Civil Court of Original Jurisdiction.
96	Appeal from original decree	
100	Second Appeal	High Court on substantial questions of law.
109	When appeals lie to Supreme Court	Judgment / Decree / final order of the High Court in a civil proceeding + High Court certifies substantial question of law + needs said question decided by Supreme Court.
113	Reference to High Court	Any Court in State may refer for opinion. Where court satisfied that it involves validity of the Act, Ordinance or regulation or any provision is invalid or inoperative but not been so declared by High Court or Supreme Court.
114	Review	<ul style="list-style-type: none"> Decree or order aggrieved on which appeal is allowed but no appeal preferred, appeal is not allowed or small cause court decision on reference. Subsequent events may be considered. Review from Decree (or) Order – appeal – allowed / not allowed.
115	Revision	High Court may call any decided case by subordinate court + in which no appeal lies, and powers exercised by lower court no jurisdiction vested (or) jurisdiction failed (or) illegally acted or material irregularity.
121	Effect of First Schedule	Until annulled or altered, shall have effect.
148	Enlargement of time	30 D Court discretion for doing any act prescribed or allowed in this Code.
148A	Right to lodge a Caveat	90D <ul style="list-style-type: none"> Remain not exceeding 90 days of lodged. Serve a copy. Application made / expected Any person claiming a right to appear.
150	Transfer of Business	Court to which transferred shall have same powers and perform same duties.
151	Saving inherent powers of Court	Nothing in CPC, 1908 ('Code') limits for ends of justice (or) to prevent abuse of process of Court.
	ORDERS	FIRST SCHEDULE
	I- Parties to Suit	
1	Who may be joined as plaintiffs	Any right to relief exists and common question of law and fact would arise.
2	Separate trials order	Any joinder of plaintiffs may embarrass or delay trial
3	Who may be joined as Defendants	Any right to relief exists against such persons and common question of law and fact would arise.
10	Suit in name of wrong plaintiff	Bonafide mistake, Court may order substitution or added as plaintiff. At any stage of proceedings, either upon or without application Improperly joined, then Court may strike out or add parties.
	II- Frame of Suit	
1	Frame of suit	Be framed so as to afford ground for final decision upon subjects in dispute to prevent further litigation concerning them.
2	Suit to include whole claim	Plaintiff may relinquish any portion for brining within jurisdiction.

CODE OF CIVIL PROCEDURE, 1908

Section Heading

Days/Months Details

3	Joinder of cause of action		<ul style="list-style-type: none"> Any party in suit may unite in same suit several cause of action. Court jurisdiction will depend on amount or aggregate value of subject matter of suit institution date.
	IV- Suit to be commenced by plaintiff		
1	Suit to be commenced by suit.		<ul style="list-style-type: none"> Plaint in duplicate Comply with Order VI (pleadings) + Order VII (Plaint).
	V- Summons		
1	Summons	30 D 90 D	<ul style="list-style-type: none"> In 30 days of service of summons, defendant to file Written Statement. Allowed upto 90 days, for reasons recorded in writing. Appear in person or pleader or pleader accompanied by some person to answer. Summons signed by judge or officer appointed, under seal.
2	Copy of plaint annexed to summons		
3	Court may order defendant or plaintiff to appear in person		Court sees reasons to require personal appearance.
4	No party to be ordered to appear in person unless resident within certain limits		Unless resides in local limits of courts ordinary original jurisdiction or less than 50 miles (200 miles in railway or steamer or established public conveyance)
9	Delivery of summons by Court		<ul style="list-style-type: none"> Defendant or Agent resides within jurisdiction of the Court, then delivered be delivered to the proper officer or Courier approved. Service of summons by Registered post acknowledgement due or speed post or other means provided by High Court. Service at Plaintiff expense.
9A	Summons given to plaintiff for service		<ul style="list-style-type: none"> In Addition to Rule 9, on application permit. Refused to accept or cannot be served personally, the court may reissue.
10	Mode of service		Delivering or tendering copy signed by judge or such officer as he appoints under court seal.
17	Defendant refuses to accept service or cannot be found		Summons copy affixed on the outer door or conspicuous part of house ordinarily resides or carries business.
21	Service of summons when defendant resides within the jurisdiction of another Court.		Sent by one of its officers (or) post (or) courier as approved by High Court, Fax, e-mail or any other means provided by High Court to any Court (not being High Court) having jurisdiction in the place where defendant resides.
	VI – Pleadings generally		
Rule 1	pleading		Means plaint or written statement. It is foundation of litigation containing material facts.
2	Pleading to state material facts and not evidence		Every pleading shall contain it.
3	Form		Appendix A
4	Particulars to be given where necessary		In all cases where any party relies on fraud, breach of trust, willful default, undue influence the necessary particulars with dates and items if necessary be stated in the pleading.
6	Condition precedent		Be distinctively specified by either party.
17	Amendment of pleading		Not allowed after trial commences
	VII – Plaint		
1	Particulars to be contained in plaint		Name of the Court, Description of Plaintiff and Defendant, Facts {cause of action- bundle of facts which taken with law applicable gives plaintiff the right to relief against the defendant, it must include some act done by the defendant}, Jurisdiction, Relief claimed, Value of subject matter, Fees, precise amount claimed (in money suits).

CODE OF CIVIL PROCEDURE, 1908

Section Heading

Days/Months Details

Section Heading	Days/Months	Details
9	Procedure on admitting plaint	7 D As number of defendants, provide copies of plaint not exceeding 7 days of the Court Order.
10	Procedure for returning plaint	Date presented + party presenting + brief reasons.
11	Rejection of plaint	Not disclose cause of action, relief undervalued, stamped insufficient, barred by law, rule 9 of Order VII, duplicate copy not filed with the plaint.
VIII – Written Statement, Set-off & Counter-claim		
1	Written Statement	30 D 90 D Defendant to file defense within 30 days of service of summons, in exceptional cases allowed not exceeding 90 days, not apply to suit filed in original side of chartered High Courts (presidency township at Kolkata, Mumbai, Chennai).
2	New facts must be specially pleaded	Suit not maintainable, defendant must raise by his pleadings.
3	Denial to be specific	Not sufficient in written statement to generally deny, but must deal with specifically each allegation of fact, except damages.
5	Specific denial	Every allegation in plaint, if not denied specifically shall be taken as admitted.
6A	Counter-claim by Defendant	<ul style="list-style-type: none"> Not exceed pecuniary limits of court's jurisdiction. Plaintiff liberty to file Written Statement in answer to counter-claim.
IX- Appearance of parties and consequences of non-appearance		
2	Dismissal of suit where summons not served in consequence of plaintiff failure to pay costs.	Summons not served upon Defendant upon failure by Plaintiff to pay court fee + postal charges, if any. Defendant appears, allowed to appear.
3	Neither party appears	Suit is called for hearing, then order the suit be dismissed.
5	Dismissal of suit where Plaintiff after summons returned unserved fails to apply for fresh summons	07 D Apply afresh, unserved in 7 days. Court order dismissal of suit unless, plaintiff within period satisfies best endeavors used, defendant avoiding service, sufficient cause.
6	Procedure when only plaintiff appears	<ul style="list-style-type: none"> When summons duly served- order ex-parte heard. Not duly served- second summons Summons served but not in time- postpone the hearing
7	Adjourned hearing defendant appears and shows good cause for previous non-appearance.	Upon such terms as the Court may direct as to Costs or otherwise, be heard.
8	When Defendant only appears	Dismissed, unless, defendant admits claim.
9	Decree against plaintiff	Suit under rule 8 dismissed, then, plaintiff precluded from bringing fresh suit on same cause of action, unless satisfies sufficient cause.
X- Examination of the parties by the Court		
1	Ascertainment whether allegations in pleadings are admitted or denied	At first hearing of suit the court to ascertain from each party to admit or deny and record them.
1A	Opt for any one mode of alternate dispute	After recording admission and denials, direct parties opt 89(1) settlement mode.
1B	Appearance before conciliation forum	Where suit referred under Rule 1A above.
2	Oral examination	
4	Refusal to answer material question	07 D Postpone hearing by 7 days + direct appear in person. Fails without lawful excuse, pronounce judgment.
XI- Discovery and inspection		
1	Discovery by interrogations	Any party with leave of the Court delivers interrogations in writing for examination.

CODE OF CIVIL PROCEDURE, 1908

Section Heading

Days/Months Details

Section Heading	Days/Months	Details
2	07 D	Particular interrogations to be submitted Court to decide in 07 days of filing.
4		Form Form No.2 in Appendix – C.
8	10 D	Affidavit in answer By Affidavit reply.
XII- Admission		
1		Notice - case Any party to a suit may give notice for the admission of whole or part of the case.
2	07 D	Notice – documents Either party may call other to admit within 07 days of notice service.
2A		Deemed admitted document Unless denied after service of notice to admit documents.
3		Form Form No.9 in Appendix C.
XIII- production, impounding and return of documents		
1		Original documents to be produced at or before settlement of issues Produce all documentary evidence in original where copies there filed.
5		Endorsements on copies of admitted entries in books, accounts and records.
8		Court may order any document to be impounded Notwithstanding Order XIII A Rule 5 or 7, Order VII Rule 17, if sufficient cause shown.
XIII A- summary judgment		
1		Scope and class of suits to which this Order applies Without oral evidence recording. Not apply to Order XXXVII originally filed applications.
2		Stage for application Apply after summons served, but, before framing issues by the Court.
3		Grounds Plaintiff has no real prospect of succeeding (or) no other compelling reason to dispose off.
4	30 D + 30D	procedure Statement that application for summary judgment made, all material facts and point of law if any, rely on documentary evidence produce it, Defendant 30 days' Notice given, another 30 Days to reply.
5	15 D	Evidence for hearing Respondent relies on additional evidence, to file and serve copies on other party 15 days before hearing.
6		Court orders Judgment on the claim, conditional order under rule 7 hereunder, application dismissal, part of claim dismissal, pleadings strike out, further directions.
7		Conditional order Where it appears claim or defense may succeed, require deposit sum of money, take specified step, give security, other conditions impose.
8		Costs impose Court may order u/s 35 and 35A of Code.
XX- judgment and decree		
1	30 D 60 D	In 30 days of hearing concluded, in exceptional cases 60 days with the notice to the parties.
6		Contents of decree
6A	15 D	Preparation of decree Not exceeding 15 days of the judgment, else, judgment cease to effect.
7		Date of decree Judgment date.
9		Decree for recovery of immovable property Description of the property
10		Decree for delivery of movable property Description of the property. Also state the amount of money to be paid.
XXA – Costs		
1		Provisions relating to certain Notice costs {required, not required to be given by law}, typing,

CODE OF CIVIL PROCEDURE, 1908

Section Heading

Days/Months Details

	items		
			inspection of court records, produce witness, charges for obtaining copies of judgment, etc.
2	Costs to be awarded in accordance with the rules made by High Court.		Award of costs under this rule in accordance with HC rules.
	XXI- Execution of Decree and Orders		
23	Procedure after issue of notice		
35	Decree for immovable property		<ul style="list-style-type: none"> Delivered to party to whom it is adjudged. Where decree for joint possession, then, affix in conspicuous place on property + drum beat. When delivery of possession and free access not afforded, then court officers after reasonable warning remove or open lock.
	XXVIIA – Suits involving substantial question law		
1	Notice to Attorney General and Advocate General		
	XXXVIII – Summary procedure		
1	Courts and classes of suits for which the Order is to apply.		<ul style="list-style-type: none"> Apply to HC, City Civil Court, Small Causes Court. Applies to commercial dispute for petty amount for Bills of Exchange, Hundies, Promissory Notes, only recovery of debt or liquidated demand in money payable by defendant (with or without interest).
2	Institution of summary suit		<ul style="list-style-type: none"> Specific averment that suit filed under this order, no relief outside this rule claimed, title be "Under Order XXXVII of the CPC, 1908". Defendant to appear, in absence, plaintiff entitled to decree, not exceeding summons with interest and HC determined costs.
3	Procedure for the appearance of defendant	10 D	In 10 days of service of plaint to appear. If defendant appears, plaintiff to serve on him summons for judgment in Form 4A. in 10 days of such service, Defendant apply for leave to defend + affidavit.
7	Procedure in suits		Same as procedure in suits instituted in ordinary manner.
	XXXIX – temporary and interlocutory orders		
1	Temporary injunction		Property in suit in danger of being wasted, damaged, alienated thereby causing irreparable and irretrievable damage.
2	Restrain repetition or continuance of breach		Plaintiff to apply to court before or after judgment.
3	Before granting injunction, court to direct notice to opposite party		
3A	Court to dispose application for injunction within 30 days	30 D	Dispose in 30 days from date on which injunction was granted.
	XLV- Appeals to the Supreme Court		
2	Application to Court whose decree complained of	60 D	<ul style="list-style-type: none"> Petition to the court whose decree is complained of. Disposal in 60 days of presenting.
8	Admission of appeal and procedure thereon		
	XLVI – Reference		
1	Reference of question to High Court		Question of law Draw statement of facts + point on which doubt is entertained
	XLVII – Review		
1	Application for the review of the		Aggrieved by decree or order and discovery of new and important

CODE OF CIVIL PROCEDURE, 1908

Section Heading

Days/Months Details

	judgment		matter or evidence.
--	----------	--	---------------------

www.nbrrtoday.com