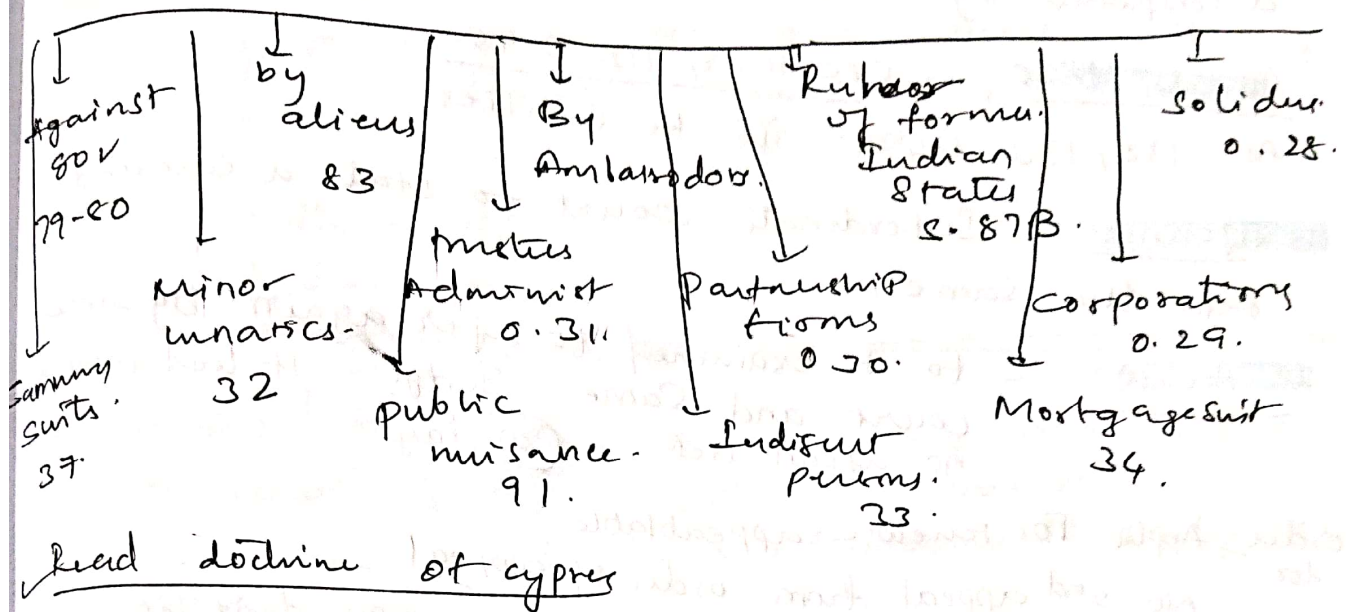


general cases
special cases. (S. 79-93) ord 27-37



Appeals, Revision, Review, Reference

• Appeal	— S 96-112	0.41 to 45
• Reference	— S 113	0.46
• Review	— S 114	0.47
• Revision	— S 115	

- ✓ If appeal is given in a case where there is no appeal then appeal will be treated as revision.
- ✓ S 109 & 112 — Appeal to SC 0.45 prescribes procedure for such appeals.

Letters patent appeal

if appeal is granted to a order passed by a single judge to decision of $\div$ bench in same court. with in (30) days — LPA. (Malimath committee). Sec 100.A of this code Abolishing the intra court appeals.

2nd appeal (100-103), 107, 108 & 0.42 to be filed in

Hc, (90) days for 2nd appeal, NO Letters patent Appeal Here.

- if Subject matter of recovery of Money ₹ 25k no 2nd Appeal.
- No appeal against Ex-parte decree.
- Appeal from orders — 104-108, 0.43

Arrest & detention S. 55 to 59 R. 30 to 41

Period of detention

No detention < 2K

② Months if amount > 5000
⑥ weeks if > 2K < 5K

Garnishee order illustration → R 46 - A, O. 21

① shld pay 1000 to ②

③ should pay 1000 to ④

} Here court order ① to pay that 1k to ④ if ④ wishes so.

→ Attachment of property S. 62, O 21, R. 43-54

Preception S. 46 An order / direction given by court to prevent alienation of property.

Movable - S. 65 to 73

Immovable - 64, -94 O. 21

Proclamation of Sale } - R. 66-67

(No sale without consent of JDR is conducted.)

Time of sale - R. 68 (15) days if M. P.

83 postponement of sale. (7) days if M. P.

the purchaser should pay at least 25% of purchase money immediately. postponement of sale will not be allowed where JDR had no sufficient time to pay decretal amount. Setting aside of sale rules 89-92 made within (60) days.

Delivery of property

Suit for refund.
period of limitation is (3) yrs.

Rules

79 to 81 - delivery of MP

95 & 96 - " of DMP.

plaintiff is "dominus litis" - Has right to choose his own forum.

- when court decides transfer of case. (8) must be given a notice before making such order

Restitutio - to keep as usual back in its own position the reversal "Actus curiae neminem gravabit" Act of Court shall harm no one.

granted to not only party to litigation but also against his legal representatives

Caveat - be aware. its a caution / warning given to court not to take any action / grant any relief without intimation. person filing - caveator. Sec 148-A of CPC 1908 Date of expiry - (90) days. object is to safe guard the interest. No caveat can be filed in 1st / 2nd Appeal) once a caveat is filed its duty of court to hear the caveator before passing a decree.

Inherent powers of court - Court can do anything

- 148 & 149 - grant & enlargement of time
- 151 - Inherent powers (Court can recall its own orders).
- 152, 153, 153A - Amendments in judgments decree & orders.
- 153A - place of trial in open Court
- 150 - transfer of Business.

<u>Res Sub-judice</u> <u>S-10</u>	<u>Res judicata.</u> <u>S-11</u>
• Stay of Suits (stop) • to avoid Multiplicity of proceedings. • If Suit is pending in a court then other court cannot take another suit with same matter and same parties. • Reduces parallel proceedings.	• Already decided • A case is once decided / the issues / litigation • when once already the matter is decided Again no party is permitted to reopen it in subsequent litigation.

- ✓ Furnish copy of plaint to (2) O.9 R.9 - 7 days.
- ✓ Set a side O.9 R.7 - No time limit.
- ✓ Set a side ex parte decree - 30 days O.9 R.13 Art 123.
- ✓ Reformation of Suit - 30 days.
- ✓ Set a side Abatement - Art 121, 60 days.
- ✓ For Merger profits O.22 R 9(c2) - 3 yrs Art 51

- stages of civil suit - 17
1. ^{S. 26 O. 7 R. 1} Plaint presentation - O. 4. Sec 26
 2. Summons to (d) - S. 27
 3. Appearance of parties
 4. Ex parte decree (if defendant doesn't attend court)
(to ask for set aside ex parte decree -)
(30 days required. O. 9 R. 13)
 5. Interlocutory proceedings - O. 39
 6. Filing written statement by (defendant) - (30 days after getting plaint)
O. 8, R. 1 to 4.
 7. production of documents from both sides (P & d)
Original copies
 8. Examination of parties (Sec 137 of Evidence) — chief exami, cross exami, re examination
 9. Discovery & inspection O. 11
 10. Admissions O. 12 (IEA - 17 to 23 & 31 sec)
Voluntary acknowledgment made by parties to certain facts. All Admissions are not 'Confessions' but all confessions are admissions.
 11. Framing of issues by court (trial)
7 days time (O. 14 R. 4)
 12. Summoning & Attendance of witnesses.
5 days 15 days
O. 16 R. 1(4) O. 16 R. 1
 13. Hearing of suits & Examination of witnesses.
 14. Arguments

15. Judgment order. 20 R1+05
2(9)

16. Preparation of decree 2(2) Rule 6-A.
R.9

17. Appeal - 96-112 0.41 to 45
├ 2nd Appeal - 100
├ Orders - 103
└ SC - 109 & 112
90^d 30^d
60^d 90 days
90^d

Review - 114.047 - 30

Revision - 115 - 90 SLP - SC

18. Execution of decree - 136.
12 yrs limitation
3 yrs Injunction - 135.