

# Proceedings In Civil Cases

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# Key objectives of the session

- **Basic understanding of the relevant provisions of CPC.**
- **Comprehension of inter-se relation of various sections and orders.**
- **Practical application of provisions of CPC to litigations.**
- **Understanding of the powers of court in dealing with civil cases.**
- **Knowledge of provisions that can be pressed into service to overcome technicalities.**

with special focus on the trial of a **civil suit** before the civil court. All stages of the civil suit and other important civil proceedings are included in the lecture.



PARTIES TO SUIT

Or.1 (R.8, 9, 10)

FRAME OF SUIT

Or.2 (R.2)

PLAINT

Or.7  
(Next slide)

# Institution Of Suit S.26 Or.4

## SUIT COMMENCES BY PRESENTATION OF PLAINT Or. 7

- Plaintiff shall contain all particulars
- And all material facts
- Defendant's liability to be shown
- Relief to be specifically stated
- Production of document with plaintiff
- Amendment of plaintiff
- Return of plaintiff
- Rejection of plaintiff

## REGISTER OF SUIT

- Court shall maintain a register
- Particulars be entered in the register
- Entries shall be numbered in the year

# Issue of service of summon S.27 Or.5

## Normal/Ordinary Mode

Or.9

**APPEARANCE**

- Case is Proceeded Further

## Substituted Mode Of Service

Or.9

**NON-  
APPEARANCE**

- Ex-parte upon defendant's
- Suit dismissed in default upon plaintiff's

# Written Statement Or.8

- Defendant shall present written statement of his defense.
- New facts must be specifically pleaded.
- Denial to be specific and not evasive.
- particulars of set-off to be given
- Failure to submit W.S, court pronounces judgment.
- Address for service to be filed.

# Framing Of Issues Or.14

From pleadings, documents  
and other material

## Issues Of Law

Material propositions of law on  
which Parties are at disagreement

## Issues Of Facts

Material propositions of facts on  
Which parties are at disagreement

# Evidence Of The Parties Or.18

- Plaintiff has the right to begin
- Produce witnesses
- Examined in open court
- In the presence of judge
- Shall be taken in the language of court

Evidence Of Defendant



# JUDGMENT S.33 / Or. 20

On closure of evidence arguments shall be heard on the whole case

- Pronounce in open court
- Judgment to be dated and signed
- Shall contain!
  - concise statement of case
  - Points for determination
  - Decision thereon
  - Reasons for such decisions
  - Shall follow decree

# EXECUTION S.36To74 /Or.21

Powers of executing court/modes of  
execution of decree

S.51

- By delivery of possession
- By arrest and detention
- By attachment and sale
- By appointing a receiver
- By any other mode

Hearing of objection petitions

# Other important proceedings

- Appeal: S.96 Or.41
- Appeal against orders: S.104 Or.43
- Review: S. 114 Or.47
- Revision: S.115
- Restitution: 144
- Inherent powers of courts S.151

# Questions





Thank You