

LL.B. (3YDC) Vth Sem  
Exam. Dec. 2016  
First Third Semester (FIFTH SEM)  
Pages. 95

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Jiwaji University, Gwalior

LL.B (3YDC) Vth Semester

Paper – Ist Civil Procedure Code and Limitation Act

**UNIT – I**

**Introduction**

**Concepts**

1. Affidavit, order, judgment, decree, plaint, restitution, execution, decree – holder, judgment – debtor, mense profits, written statement
2. Distinction between decree and judgment and between decree and order

**Jurisdiction**

1. Kinds
2. Hirecarchy of courts
3. Suit of civil nature – scope and limits
4. Res subjudice and resjudicata
5. Foreign judgment – enforcement
6. Place of suing
7. Institution of suit
8. Parties to suit: joinder mis – joinder or non – joinder of parties: representative suit
9. Frame of suit: cause of action
10. Alternative disputes resolution (ADR)
11. Summons

**UNIT – II**

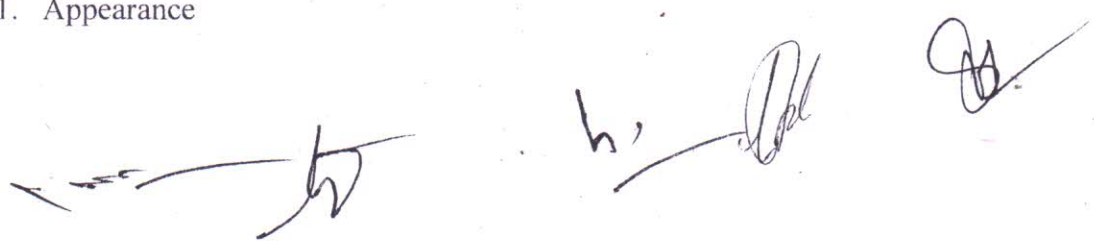
**Pleading**

1. Rules of pleading, signing and verification
2. Alternative pleading
3. Construction of pleadings
4. Plaint: Particulars
5. Admission, return and rejunction
6. Written statement : particulars, rules of Evidence
7. Set off and counter claim: distinction
8. Discovery, inspection and production of documents
9. Interrogatories
10. Privileged documents
11. Affidavits

**UNIT – III**

**Appearance, Examination and Trial**

1. Appearance



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2. Ex-prate procedure
3. Summary and attendance of witnesses
4. Trial
5. Adjournments
6. Interim orders: commission, arrest or attachment before judgment, injunction and appointment of receiver
7. Interests of costs
8. Execution
9. The concept
10. General Principles
11. Power for execution of decreets
12. Procedure for execution (section 52-54)
13. Enforcement, arrest and detection (Ss 55-56)
14. Attachment (Ss 65-97)
15. Sale (Ss 65-97)
16. Delivery of property
17. Stay of execution

#### UNIT – IV

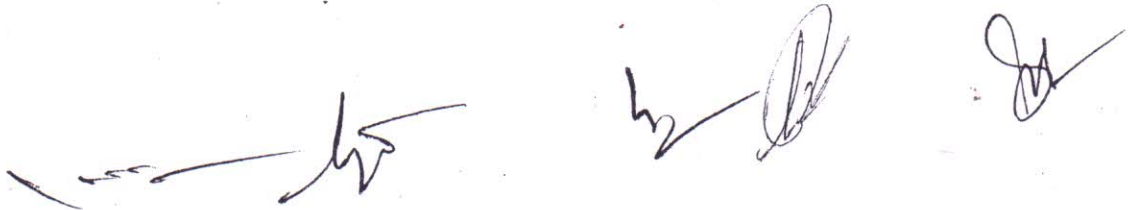
##### Suits in Particular Cases

1. By or against government (Ss. 79- 82)
2. By aliens and by or against foreign rules or ambassadors (Ss. 83- 87A)
3. Public nuisance (Ss. 91-93)
4. Suits by or against firm
5. Mortgage
6. Interpleaded suits
7. Suits relating to public charities

#### UNIT – V

##### Appeals review, reference and revision

1. Appeals from decree and order general provisions relating to appeal
2. Transfer of cases
3. Restitution
4. Caveat
5. Inherent Powers of Courts
6. Law reform : Law Commission on Civil Procedure
7. Amendments
8. Law of Limitation
9. The concept – the Law assists the vigilant and not those who sleep over the rights



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**Object**

1. Distinction with laches, acquiescence, prescription
2. Extension and suspension of limitation
3. Sufficient cause for not filling the proceedings
4. Illness
5. Mistaken legal advise
6. Mistaken view of law
7. Poverty, minority and purdha
8. Imprisonment
9. Defective vakalatnama
10. Legal liabilities
11. Foreign, rule of limitation: contract entered into under a foreign law
12. Acknowledgement – essential requisites
13. Continuing tort and continuing breach of contract

**Selected Bibliography**

1. Mulla, Code of Civil Procedure (1999), Universal Delhi
2. C.K. Thacker, Code of Civil Procedure (1999), Universal Delhi
3. M.R. Mallick (ed.), B.B. Mitra on Limitation Act (1998), Eastern Lucknow
4. Majumdar P.K. and Kataria R.P. Commentary on the Code of Civil Procedure, 1908 (1998), Universal Delhi
5. Saha A.N. The Code of Civil Procedure, (2000), Universal Delhi
6. Sarkar's Law of Civil Procedure, Vols/(2000), Universal Delhi
7. Universal's Code of Civil Procedure (2000) (2014)

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**Jiwaji University, Gwalior**

**LL.B (3YDC) Vth Semester**

**Paper – IInd Administrative Law**

**UNIT – I**

Meaning, definitions, nature, historical development, sources, relationship with Constitutional law, Droit administrative, rule of law and separation of powers, classification of administrative function and distinction between them

**UNIT – II**

Delegated legislation and its kinds, administrative directions and distinction between delegated legislation and administrative directions, control over delegated legislation procedural, judicial and parliamentary control, principles of natural justice

**UNIT – III**

Administrative discretion and judicial control of discretionary powers, act of State, tortious and contractual liability of the State

**UNIT – IV**

Government privileges in legal proceedings, Estoppel and Waiver, official secrets and right to information, lokpal, lokayukt and central Vigilance Commissions, Commission of inquiry

**UNIT – V**

Administrative Tribunals – merits, demerits, reasons for growth distinction between court and tribunals

Public corporation – classification characteristics, control

Remedies Constitutional and ordinary

**Books Recommended:-**

Administrative Law – C.K. Takwani

Administrative Law – I.P. Massey

Administrative Law – K.C. Joshi

Administrative Law – Rajneesh Kumar

Administrative Law – Kailash Rai

Administrative Law – Jay Jay Updhaya

प्रशासनिक विधि – यू.पी.डी. केसरी

प्रशासनिक विधि – एस. पी. साठे

प्रशासनिक विधि – डॉ. गंगा सहाय शर्मा

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**COMPANY LAW**

**Course Objective:**

The paper aims to make the student familiar and to provide insight into formation and winding up of companies beside corporate administrations.

**Course Contents:**

**Unit I: Company**

Definition, Characteristics, Lifting of Corporate Veil; Types of Companies; Formation of a Company: Promoters, Pre-incorporation Contracts, Provisional Contracts,

**Unit II: Memorandum of Association, Articles of Association and Prospectus**

Memorandum of Association; Articles of Association; Prospectus: Issues, contents, Kinds, liability for misstatements, Shelf Prospectus, Statement in lieu of Prospectus.

**Unit III: Share Capital**

Issue and allotment of shares, SEBI guidelines on allotment, Issue of shares at premium and at discount, Share Certificate, Demat system ; Forfeiture and surrender of Shares, Transfer & Transmission of shares; Provisions relating to payment of dividend, Investor's Education and Protection Fund.

**Unit IV: Corporate Administration**

Directors: kinds, powers and duties; Insider trading; Meetings kinds and procedure; The balance of powers within companies: Majority control and minority protection, Prevention of oppression, and powers of court and Central Government

**Unit V: Winding up of Companies**

Kinds, consequences and reasons of winding up; Role of the court; Liability of past members; Payment of liabilities; Reconstruction and amalgamation.

**Text & References:**

- Avtar Singh : Indian Company Law
- Shah S. M : Lectures on Company Law
- Saharay H.K.: Company Law, 5th Edn.
- Gupta Karn, Lexis Nexis

Company A.

Companies Act 2013

Universal

