

THE CODE OF CIVIL PROCEDURE, 1908

ARRANGEMENT OF SECTIONS

PRELIMINARY

SECTIONS

1. Short title, commencement and extent.
2. Definitions.
3. Subordination of Courts.
4. Savings.
5. Application of the Code to Revenue Courts.
6. Pecuniary jurisdiction.
7. Provincial Small Cause Courts.
8. Presidency Small Cause Courts.

**PART I**

SUITS IN GENERAL

JURISDICTION OF THE COURTS AND *RES JUDICATA*

9. Courts to try all civil suits unless barred.
10. Stay of suit.
11. *Res judicata*.
12. Bar to further suit.
13. When foreign judgment not conclusive.
14. Presumption as to foreign judgments.

PLACE OF SUING

15. Court in which suits to be instituted.
16. Suits to be instituted where subject-matter situate.
17. Suits for immovable property situate within jurisdiction of different Courts.
18. Place of institution of suit where local limits of jurisdiction of Courts are uncertain.
19. Suits for compensation for wrongs to person or movables.
20. Other suits to be instituted where defendants reside or cause of action arises.
21. Objections to jurisdiction.
- 21A. Bar on suit to set aside decree on objection as to place of suing.
22. Power to transfer suits which may be instituted in more than one Court.
23. To what Court application lies.
24. General power of transfer and withdrawal.
25. Power of Supreme Court to transfer suits, etc.

INSTITUTION OF SUITS

26. Institution of suits.

## SUMMONS AND DISCOVERY

### SECTIONS

- 27. Summons to defendants.
- 28. Service of summons where defendant resides in another State.
- 29. Service of foreign summonses.
- 30. Power to order discovery and the like.
- 31. Summons to witness.
- 32. Penalty for default.

### JUDGMENT AND DECREE

- 33. Judgment and decree.

### INTEREST

- 34. Interest.

### COSTS

- 35. Costs.
- 35A. Compensatory costs in respect of false or vexatious claims or defences.
- 35B. Costs for causing delay.

## PART II

### EXECUTION

#### GENERAL

- 36. Application to orders.
- 37. Definition of Court which passed a decree.

#### COURTS BY WHICH DECREES MAY BE EXECUTED

- 38. Court by which decree may be executed.
- 39. Transfer of decree.
- 40. Transfer of decree to Court in another State.
- 41. Result of execution proceedings to be certified.
- 42. Powers of Court in executing transferred decree.
- 43. Execution of decrees passed by Civil Courts in places to which this Code does not extend.
- 44. Execution of decrees passed by Revenue Courts in places to which this Code does not extend.
- 44A. Execution of decrees passed by Courts in reciprocating territory.
- 45. Execution of decrees outside India.
- 46. Precepts.

#### QUESTIONS TO BE DETERMINED BY COURT EXECUTING DECREE

- 47. Questions to be determined by the Court executing decree.

#### LIMIT OF TIME FOR EXECUTION

- 48. *[Repealed.]*

#### TRANSFEREES AND LEGAL REPRESENTATIVES

- 49. Transferee.
- 50. Legal representative.

## PROCEDURE IN EXECUTION

### SECTIONS

51. Powers of Court to enforce execution.
52. Enforcement of decree against legal representative.
53. Liability of ancestral property.
54. Partition of estate or separation of share.

### ARREST AND DETENTION

55. Arrest and detention.
56. Prohibition of arrest or detention of women in execution of decree for money.
57. Subsistence-allowance.
58. Detention and release.
59. Release on ground of illness.

### ATTACHMENT

60. Property liable to attachment and sale in execution of decree.
61. Partial exemption of agricultural produce.
62. Seizure of property in dwelling-house.
63. Property attached in execution of decrees of several Courts.
64. Private alienation of property after attachment to be void.

### SALE

65. Purchaser's title.
66. *[Repealed.]*
67. Power for State Government to make rules as to sales of land in execution of decrees for payment of money.

### DELEGATION TO COLLECTOR OF POWER TO EXECUTE DECREES AGAINST IMMOVABLE PROPERTY

- 68—72. *[Repealed]*

### DISTRIBUTION OF ASSETS

73. Proceeds of execution sale to be rateably distributed among decree-holders.

### RESISTANCE TO EXECUTION

74. Resistance to execution.

## **PART III**

### INCIDENTAL PROCEEDINGS

#### COMMISSIONS

75. Power of Court to issue commissions.
76. Commission to another Court.
77. Letter of request.
78. Commissions issued by foreign Courts.

**PART IV**  
SUITS IN PARTICULAR CASES

SECTIONS

SUITS BY OR AGAINST THE GOVERNMENT OR PUBLIC OFFICERS IN THEIR OFFICIAL CAPACITY

- 79. Suits by or against Government.
- 80. Notice.
- 81. Exemption from arrest and personal appearance.
- 82. Execution of decree.

SUITS BY ALIENS AND BY OR AGAINST FOREIGN RULERS, AMBASSADORS AND ENVOYS

- 83. When aliens may sue.
- 84. When foreign States may sue.
- 85. Persons specially appointed by Government to prosecute or defend on behalf of foreign Rulers.
- 86. Suits against foreign Rulers, Ambassadors and Envoys.
- 87. Style of foreign Rulers as parties to suits.
- 87A. Definitions of "foreign State" and "Ruler"

SUITS AGAINST RULERS OF FORMER INDIAN STATES

- 87B. Application of sections 85 and 86 to Rulers of former Indian States.

INTERPLEADER

- 88. Where interpleader-suit may be instituted.

**PART V**

SPECIAL PROCEEDINGS

ARBITRATION

- 89. Settlement of disputes outside the Court.

SPECIAL CASE

- 90. Power to state case for opinion of Court.

PUBLIC NUISANCES AND OTHER WRONGFUL ACTS AFFECTING THE PUBLIC

- 91. Public nuisances and other wrongful acts affecting the public.
- 92. Public charities.
- 93. Exercise of powers of Advocate-General outside presidency-towns.

**PART VI**

SUPPLEMENTAL PROCEEDINGS

- 94. Supplemental proceedings.
- 95. Compensation for obtaining arrest, attachment or injunction on insufficient ground.

**PART VII**

APPEALS

APPEALS FROM ORIGINAL DECREES

- 96. Appeal from original decree.
- 97. Appeal from final decree where no appeal from preliminary decree.

## SECTIONS

- 98. Decision where appeal heard by two or more Judges.
- 99. No decree to be reversed or modified for error or irregularity not affecting merits or jurisdiction.
- 99A. No order under section 47 to be reversed or modified unless decision of the case is prejudicially affected.

### APPEALS FROM APPELLATE DECREES

- 100. Second appeal.
- 100A. No further appeal in certain cases.
- 101. Second appeal on no other grounds.
- 102. No second appeal in certain cases.
- 103. Power of High Court to determine issue of fact.

### APPEALS FROM ORDERS

- 104. Orders from which appeal lies.
- 105. Other orders.
- 106. What Courts to hear appeals.

### GENERAL PROVISIONS RELATING TO APPEALS

- 107. Powers of Appellate Court.
- 108. Procedure in appeals from appellate decrees and orders.

### APPEALS TO THE SUPREME COURT

- 109. When appeals lie to the Supreme Court.
- 110. *[Omitted.]*
- 111. *[Omitted.]*
- 111A. *[Omitted.]*
- 112. Savings.

## **PART VIII**

### REFERENCE, REVIEW AND REVISION

- 113. Reference to High Court.
- 114. Review.
- 115. Revision.

## **PART IX**

### SPECIAL PROVISIONS RELATING TO THE HIGH COURTS NOT BEING THE COURT OF A JUDICIAL COMMISSIONER

- 116. Part to apply only to certain High Courts.
- 117. Application of Code to High Courts.
- 118. Execution of decree before ascertainment of costs.
- 119. Unauthorised persons not to address Court.
- 120. Provisions not applicable to High Court in original civil jurisdiction.

## **PART X**

### RULES

- 121. Effect of rules in First Schedule.
- 122. Power of certain High Courts to make rules.
- 123. Constitution of Rule Committees in certain States.

## SECTIONS

- 124. Committee to report to High Court.
- 125. Power of other High Courts to make rules.
- 126. Rules to be subject to approval.
- 127. Publication of rules.
- 128. Matters for which rules may provide.
- 129. Power of High Courts to make rules as to their original Civil procedure.
- 130. Power of other High Courts to make rules as to matters other than procedure.
- 131. Publication of rules.

## PART XI

### MISCELLANEOUS

- 132. Exemption of certain women from personal appearance.
- 133. Exemption of other persons.
- 134. Arrest other than in execution of decree.
- 135. Exemption from arrest under civil process.
- 135A. Exemption of members of legislative bodies from arrest and detention under civil process.
- 136. Procedure where person to be arrested or property to be attached is out side district.
- 137. Language of subordinate Courts.
- 138. Power of High Court to require evidence to be recorded in English.
- 139. Oath on affidavit by whom to be administered.
- 140. Assessors in causes of salvage, etc.
- 141. Miscellaneous proceedings.
- 142. Orders and notices to be in writing.
- 143. Postage.
- 144. Application for restitution.
- 145. Enforcement of liability of surety.
- 146. Proceedings by or against representatives.
- 147. Consent or agreement by persons under disability.
- 148. Enlargement of time.
- 148A. Right to lodge a caveat.
- 149. Power to make up deficiency of court-fees.
- 150. Transfer of business.
- 151. Saving of inherent powers of Court.
- 152. Amendment of judgments, decrees or orders.
- 153. General power to amend.
- 153A. Power to amend decree or order where appeal is summarily dismissed.
- 153B. Place of trial to be deemed to be open Court.
- 154-156. *[Repealed.]*
- 157. Continuance of orders under repealed enactments.
- 158. Reference to Code of Civil Procedure and other repealed enactments.

THE FIRST SCHEDULE . —RULES OF PROCEDURE

APPENDIX A.—PLEADINGS.

APPENDIX B.—PROCESS,

APPENDIX C. —DISCOVERY, INSPECTION AND ADMISSION.

APPENDIX D.—DECREES.

APPENDIX E.—EXECUTION.

APPENDIX F.—SUPPLEMENTAL PROCEEDINGS.

APPENDIX G —APPEAL, REFERENCE AND REVIEW.

APPENDIX H.—MISCELLANEOUS.

THE SECOND SCHEDULE — *[Repealed]*.

THE THIRD SCHEDULE. —*[Repealed]*.

THE FOURTH SCHEDULE. — *[Repealed]*.

THE FIFTH SCHEDULE. — *[Repealed]*.

ANNEXURE.