

# CODE OF CIVIL PROCEDURE

By: Dr. Justice B.S. Chauhan  
Judge  
Supreme Court of India

As it is evident from its name, it mainly lays down the procedure to be adopted in civil courts, and its principles may be applicable in other courts, like writ courts, and Tribunals to the extent the enactments establishing the Tribunals provide for it. It provides for a fair procedure for redressal of disputes. The other party may know what is the dispute about, what defence it can take, and how both the parties may proceed to prove their respective cases. Some of its provisions are substantive in nature and not procedural at all, like Sections 96, 100, 114 and 115 providing for a right of appeal, review and revision. The other provisions are generally procedural in nature. The purpose of the Civil Procedure Code, 1908 (hereinafter referred to as 'Code') is to provide a litigant a fair trial in accordance with the accepted principles of natural justice. The Code is mainly divided into two parts, namely, Sections and Orders. While the main principles are contained in the Sections, the detailed procedures with regard to the matters dealt with by the Sections have been specified in the Orders. Section 122 of the Code empowers the High Court to amend the Rules, i.e., the procedure laid down in the Orders and every High Court had amended the procedure from time to time making the amendments in the said Orders.

The Code is a codification of the principles of natural justice. Natural justice means 'justice to be done naturally' which is adopted naturally by the habits of every individual. It does not mean godly-justice or justice of nature. It simply means an inbuilt-habit of a person to do justice. For example, if a child of 1,1/2 years breaks the saucer, the mother of the child may slap him being furious, but at the time of slapping, she would repeatedly ask him why he has broken the saucer, though she knows that the child has not started speaking. As these principles are inbuilt-habit of everyone to ask others for furnishing the explanation of anything done by them, the same are known as 'principles of natural justice'. In Garden of Eden God did not punish Adam and Eve without giving them opportunity to show cause as to why they had eaten the prohibited fruit. The first reported case of principles of natural justice in Dr. Bentley's case, i.e., **R. V. University of Cambridge**, (1723) 1 STR 757, wherein reference of the incident of Garden of Eden was made.

The two words are repeated everyday in the courts- 'justice' and 'law'. Justice is an illusion as the meaning and definition of 'justice' varies from person to person and party to party. Parties feel that they have got justice only and only if the case succeeds before the court, though it may not have a justifiable claim. (Vide: **Delhi Administration V. Gurdeep Singh Uban**, AIR 2000 SC 3737).

For paucity of time it would not be possible for us to deal with every provision in the Code. Thus, we will discuss the scope and application of the provisions which we have to deal with every day in the Court.

# Code Of Civil Procedure National Judicial Academy

**JS Bruner**



**Code Of Civil Procedure National Judicial Academy:**

Code Of Civil Procedure National Judicial Academy: Bestsellers in 2023 The year 2023 has witnessed a remarkable surge in literary brilliance, with numerous captivating novels captivating the hearts of readers worldwide. Lets delve into the realm of bestselling books, exploring the captivating narratives that have captivated audiences this year. The Must-Read : Colleen Hoover's "It Ends with Us" This poignant tale of love, loss, and resilience has gripped readers with its raw and emotional exploration of domestic abuse. Hoover masterfully weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can triumph. Uncover the Best : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This spellbinding historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids captivating storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Code Of Civil Procedure National Judicial Academy : Delia Owens "Where the Crawdads Sing" This mesmerizing coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens weaves a tale of resilience, survival, and the transformative power of nature, captivating readers with its evocative prose and mesmerizing setting. These popular novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of compelling stories waiting to be discovered. The novel begins with Richard Papan, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a brilliant and thrilling novel that will keep you guessing until the very end. The novel is a warning tale about the dangers of obsession and the power of evil.

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## **Table of Contents Code Of Civil Procedure National Judicial Academy**

1. Understanding the eBook Code Of Civil Procedure National Judicial Academy
  - The Rise of Digital Reading Code Of Civil Procedure National Judicial Academy
  - Advantages of eBooks Over Traditional Books
2. Identifying Code Of Civil Procedure National Judicial Academy
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Code Of Civil Procedure National Judicial Academy
  - User-Friendly Interface
4. Exploring eBook Recommendations from Code Of Civil Procedure National Judicial Academy
  - Personalized Recommendations
  - Code Of Civil Procedure National Judicial Academy User Reviews and Ratings
  - Code Of Civil Procedure National Judicial Academy and Bestseller Lists
5. Accessing Code Of Civil Procedure National Judicial Academy Free and Paid eBooks
  - Code Of Civil Procedure National Judicial Academy Public Domain eBooks
  - Code Of Civil Procedure National Judicial Academy eBook Subscription Services
  - Code Of Civil Procedure National Judicial Academy Budget-Friendly Options
6. Navigating Code Of Civil Procedure National Judicial Academy eBook Formats
  - ePub, PDF, MOBI, and More
  - Code Of Civil Procedure National Judicial Academy Compatibility with Devices
  - Code Of Civil Procedure National Judicial Academy Enhanced eBook Features
7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Code Of Civil Procedure National Judicial Academy
  - Highlighting and Note-Taking Code Of Civil Procedure National Judicial Academy
  - Interactive Elements Code Of Civil Procedure National Judicial Academy
8. Staying Engaged with Code Of Civil Procedure National Judicial Academy

- Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Code Of Civil Procedure National Judicial Academy
9. Balancing eBooks and Physical Books Code Of Civil Procedure National Judicial Academy
- Benefits of a Digital Library
  - Creating a Diverse Reading Collection Code Of Civil Procedure National Judicial Academy
10. Overcoming Reading Challenges
- Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
11. Cultivating a Reading Routine Code Of Civil Procedure National Judicial Academy
- Setting Reading Goals Code Of Civil Procedure National Judicial Academy
  - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Code Of Civil Procedure National Judicial Academy
- Fact-Checking eBook Content of Code Of Civil Procedure National Judicial Academy
  - Distinguishing Credible Sources
13. Promoting Lifelong Learning
- Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
14. Embracing eBook Trends
- Integration of Multimedia Elements
  - Interactive and Gamified eBooks

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