

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

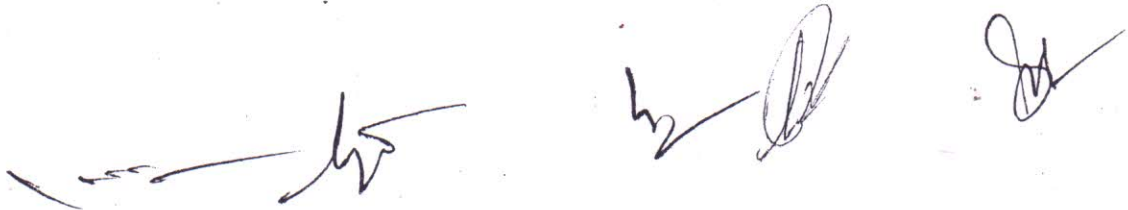
Suits in Particular Cases

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

