

CIVIL PROCEDURE CODE AND LIMITATION ACT

CIVIL PROCEDURE CODE

1. Introduction

The Code of Civil Procedure, 1908 is a **procedural law** related to the administration of civil proceedings in India. The Code is divided into two parts: the first part contains 158 sections and the second part contains the First Schedule, which has 51 Orders and Rules. The sections provide provisions related to **general principles of jurisdiction** whereas the Orders and Rules prescribe **procedures and method that govern civil proceedings in India.**

Check Byju Introduction...

What is Procedural Law?

Procedural law, also known as adjective law, outlines the process that courts must follow when adjudicating civil, criminal, and administrative cases. It is the set of rules and principles that govern how legal matters progress through the judicial system. This includes how a lawsuit or case is initiated, what kind of service of process is required, the types of pleas or motions that may be made, and what evidence is allowed.

The purpose of procedural law is to ensure fairness, justice, and consistency in the legal process. By defining the process, it ensures all parties have an equal opportunity to present their case and safeguards the individual's right to a fair trial.

What is Substantive Law?

Substantive law, in contrast, is concerned with the actual rights and obligations of individuals and organizations. It defines the statutory laws that dictate how people should behave in society and the consequences when these laws are broken. This encompasses laws related to criminal offenses, civil rights, contract law, property law, and family law.

Substantive law is the framework within which the justice system operates. It sets out the duties, rights, liabilities, and privileges of individuals, as well as providing the basis for legal actions and defenses in both civil and criminal matters.

Distinction between Substantive Law & Procedural Law

SUBSTANTIVE LAW	PROCEDURAL LAW
The Substantive law defines and determines the obligations and rights of people and legal entities.	Procedural law lays down the method of aiding, the steps and procedures for enforcement of Civil and Criminal Law.
When a particular law defines rights or crimes or any status, it is called Substantive Law. It defines how a crime or tort will be charged and how the evidence and case facts will be presented and handled. Eg- The definition of 'manslaughter' is substantive.	The laws that determine how the rights of the plaintiff and defendant will be protected and enforced throughout the course of the case Procedural Laws. It includes procedure, pleading, and evidence. Eg-The right to a speedy trial for a person accused of 'manslaughter' is procedural.
A Substantive Law also provides for Prohibitions administered by courts which behaviors are to be allowed and which are prohibited- such as law providing prohibition	Procedural Laws provides rules to determine, how the Substantive Laws are to be administered, enforced, changed, and used in the mediation of disputes -such as

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**India, Nand Lal, Anand Swaroop
Srivastava**



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The Code of Civil Procedure Ray Sukumar,2008 *Civil Procedure Code and Law of Limitation* Moti Lall,1923
Current Index to Journals in Education ,1981 Code of Civil Procedure & Limitation Act ,2025 **The Code of Civil Procedure, Being Act VIII of 1859 and the Acts Amending and Extending It. By L. P. Delves Broughton ... Fourth Edition. Revised, Corrected, and Enlarged by C. J. Wilkinson** India,1871 **Code of Civil Procedure and Law of Limitation** ,1899 **CODE OF CIVIL PROCEDURE** JATINDRA KUMAR DAS,2013-08-21 The book written with a rich teaching experience of the author at National Law University and State University attempts to critically analyse Indian High Court and Apex Court cases on the Law of Civil Procedure It also evaluates the relation between statutory procedural law and case laws as subject Most importantly the book presents recent judgments of Supreme Court particularly based on Post Amendment Acts of 1999 and 2002 Also these cases have been analysed in addition to a critical examination of the radical and far reaching effect of the Code This lucid and well organised book is divided into five parts Part I develops theoretical foundations of the readers on Civil Procedure Code Part II demonstrates certain important issues on the i scope of jurisdiction of civil courts to entertain disputes ii principles governing res sub judice res judicata and foreign judgement iii nature of powers exercised by civil courts in matters relating to place of suing institution of suit transfer of cases withdrawal and compromise of suits iv necessary conditions for first hearing interim order trial as well as special suits v scope and ambit of law relating to pleadings appearance and non appearance of parties discovery inspection production of documents death marriage insolvency of parties judgment and decrees Part III explores various issues on appeals reference review and revision In this part an attempt has also been made to discuss different facets of law on first appeal second appeals appeals from orders appeal by indigent persons appeals to the Supreme Court Part IV is devoted to discuss various principles on execution Part V deals with miscellaneous issues on the Law of Civil Procedure and includes Appendix on the Law of Limitation The book will prove useful to the students of LLB and LLM for their course study Besides the book will be of immense use to the professionals Key Features Written with case analysis method Contains an authoritative discussion on the complexity of the Second Appeal after its determination and re determination since the British period Important Supreme Court and High Court decisions are examined and analysed critically **Law Outlines** Ch. Moazzam Ali,Rashid Mehmood Butt,2012 **General Outlines of Practice Under the California Code of Civil Procedure** Joseph Hutchinson,1895
Civil Procedure Code Shaukat Mahmood,1987 The Code of Civil Procedure, Being Act VIII of 1859, and the Acts Amending it ... the Act of Limitation, and the Stamp Acts. By L. P. Delves Broughton ... Second Edition India,1867 The New Code of Civil Procedure, Being Act X of 1877, as Amended by the New Limitation Act India,D. E. Cranenburgh,1877
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