

## **A brief to the function and sequence of the Civil Procedure Code**

This procedural law related to civil suits (Suits of Civil Nature) is divided into two portions- Sections and First schedule (along with appendices to the first schedule). The first part contains all the sections related to substantive provisions for procedure or source provisions and first schedule contains order which further contains rules setting out elaborated procedure to be followed by the courts.

Sections 1 to 8 provides for preliminary provisions such as, what the act will be called, when the act will come into force and on what territorial jurisdiction the act is applicable and definition to various terms used in the act, saving clause and Revenue courts, etc.

Sections 9 to 25 of Part I talks about the provisions regarding jurisdiction (territorial or pecuniary) of the courts in CPC and in what cases and based on what principles the trial by a court can be assumed barred, for e.g. in cases of Res Judicata or Res Sub-judice or if any foreign judgement is pronounced. Further it talks about the consequence of non-compliance of jurisdiction by a court or power of courts to transfer suits etc.

Section 26 is read with (hereinafter referred as r/w) Order IV providing for manner of commencing a suit.

Section 27 to 32 is to be r/w Order V as it deals with all the provisions regarding summons.

Section 33 is r/w Order XX to provide for rules regarding drafting and pronouncement of a Judgement and provisions for drawing of a Decree and for its contents and the sequence of their existence in a suit.

Section 35 to 35B talks about cost generally compensatory cost and cost for delay, and is to be r/w with Order XXA.

Further Part II provides for the provisions regarding the execution of decrees under Sections 36 to 74 and to be r/w Order XXI having 106 rules (maximum number of rules in any Order in CPC).

Part III, Sections 75 to 78 provides for the provisions to issue Commissions for the purpose as provided under Section 75 and is to be r/w Order XXVI.

Part IV contains provisions regarding some special procedures and steps to be taken for the suits containing some speciality, such as party being Government of India or of any State or if the suit is Inter-pleader and is to be r/w Order XXVII to Order XXXV, as the case may be.

Part V is containing the provisions regarding Friendly Suits as provided under Section 90 to be r/w Order XXXVI or about settling the dispute out of court as given under Section 89 to be r/w Order X and also provides for suits related to Public Nuisance & Public Trusts under Section 91 & Section 92 respectively.

Part VI, Section 94 provides for supplementary proceedings in the nature of Interlocutory Order and is r/w Order XXXIX Rules 6 to 10.

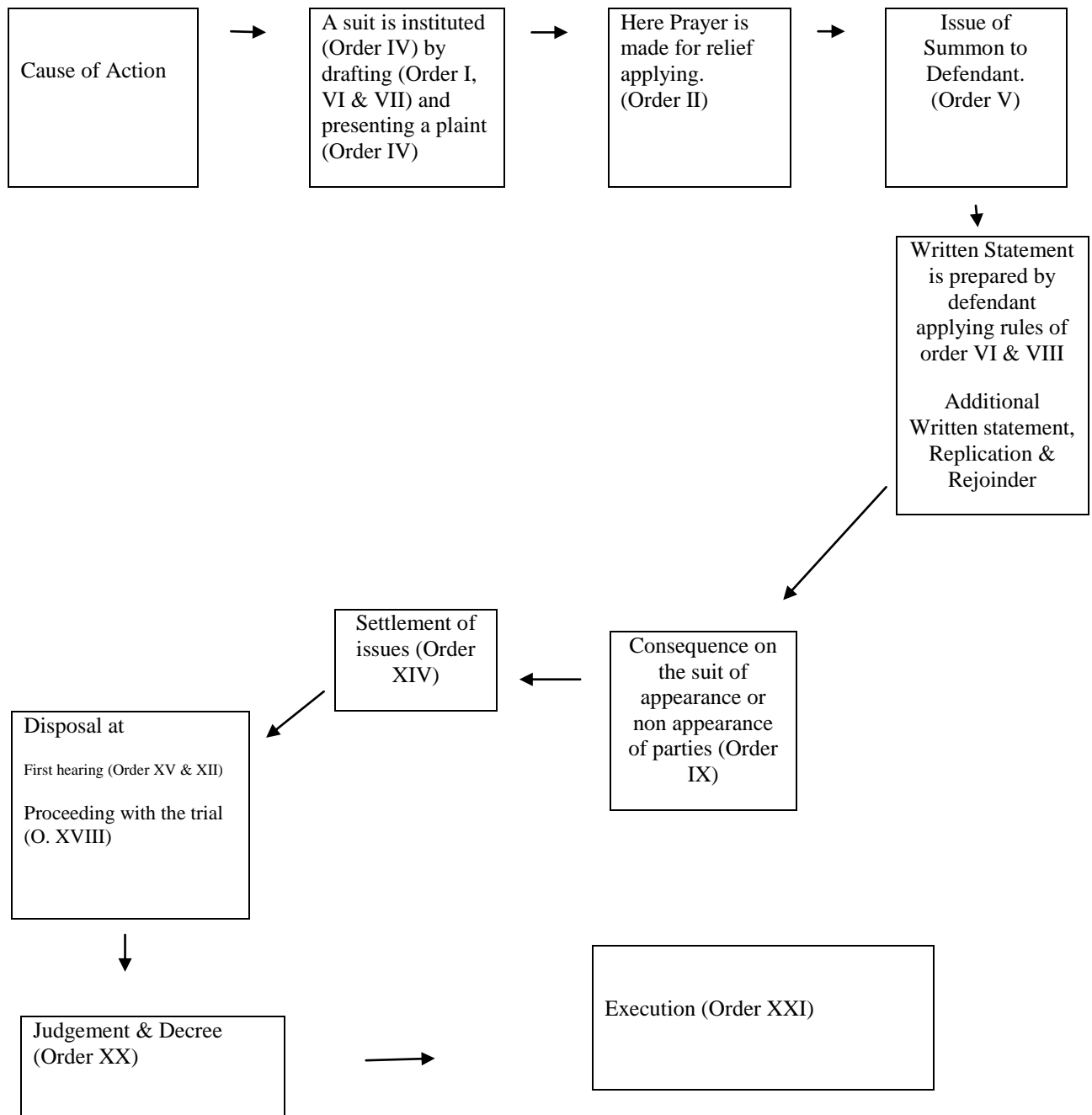
Part VII, Sections 36 to 112 contains provisions for appeals providing for where an appeal can be preferred, what are the bars in the appeal, number of appeals etc and is to be r/w Order XLI to XLV.

Part VIII, Section 113 to 115 r/w Order XLVI and XLVII contains remedies in the nature of reference, review and revision.

Part IX, X and XI containing Sections 116 to 158 are such miscellaneous provisions that exhaust the powers of the courts to do various activities as and when required in the proceedings and is essential in any suit to be used to reach to a decision in totality, such as a right to file Caveat, to amend Order or provisions for the Courts to use Inherent Powers, General Powers to amend the Orders or Judgement, etc.

## Flow of Suit in Civil Procedure Code

A suit is commenced with the Existence of a cause of action which is the gateway to the remedy under CPC.



**Note:** All other orders are implemented during the proceeding as per the object and Procedural necessity.