



Curriculum of Training
For
Civil Judge's – Junior Division

Bihar Judicial Academy
Gaighat, Gulzarbag, Patna – 7

Bihar Judicial Academy, Patna

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Bihar Judicial Academy, Patna

Plan of Training Programmes for Civil Judge – Jr. Div

S.N.	Target Group	Type of Course	Course Title	No. of Days
1.	Civil Judges (Jr. Division)	Orientation Programme	Civil Law & Procedure	04
		Refresher Programme	Civil Law & Procedure	02

Bihar Judicial Academy, Patna

**Precise Curriculum of 04 Days “Orientation Training Programme”
for Civil Judges – Junior Division.**

Topic No.	Subject (Civil Laws & Procedure)
1	Ambit & Scope of CPC, Types of Courts & Jurisdiction & Bar thereon.
2	Stay of Suit, Res Judicata, Constructive Res Judicata, Admissions & Estoppel.
3.	Institution of Suit, Place of suing, Parties to Suit & Cause of Action.
4.	Appearance/ Non appearance of Parties & Ex parte proceedings..
5.	Pleadings & Amendment.
6.	Discovery & Inspection, Production/ Impounding/ Return of Documents, Framing of Issues.
7.	Stages of Disposal of Suits & Withdrawal of Suit.
8.	Examination of Witnesses & Adjournments.
9.	Arrest & Attachment Before Judgment, Judgment & Decree.
10.	Injunction & Caveat.
11.	Abatement & Compromise.
12.	Inherent Power of Court, Costs, Commission/ Guardian/ Receiver.
13.	Review/ Reference/ Revision/ Appeal.
14.	Suits of Family Matters/ Indigent Persons/ Special Case/ Summary Procedure/ Interpleader Suit.
15.	Suits Against Govt./ Public Officers/ Military or Its Personnel/ Coporations/ Trustees etc.
16.	Execution.
17.	Scope & Ambit of Evidence Act, Admissibility & Relevancy of Facts.
18.	Proof & Burden of Proof.
19.	Admission & Estoppel.
20.	Witnesses & Their Examinations.
21.	Limitation in Civil Suit.
22.	Transfer of Property Act.
23.	Specific Relief Act.
24.	Bihar Tenancy Act/ Bihar Land Dispute Resolution Act/ Benami Transaction (Proh.) Act, 1988
25.	Bihar Building (Lease, Rent and Eviction) Act, 1982
26.	Arbitration & Conciliation Act & Bihar Panchayati Raj Act.
27.	Hindu Law with reference to Inheritance/ Succession/ Religious Endowments/Partition.
28.	Muslim Law with reference to Inheritance/ Succession/ Gift/ Partition.
29.	Court Fee/ Suit Valuation/ Registration of Documents & Instruments.
30.	Legal Services Authority Act & ADR.
31.	Contract Act, Sales of Goods Act & General Clauses Act.
32.	Civil Court Rules and Court / Office Management/ Departmental Inquiry/ E-Court Information System
33.	Judgment Writing & Order Writing.
34.	Latest Amendments/ Case Laws & Tools of Speedy Justice.
35.	Time Management/Leadership/ Speech Craft/ Health Management.
36.	Principles of Judicial Conduct

Topic No.	Subject (Criminal Laws & Procedure)
1	Ambit & Scope of CR.P.C., Types of Courts, Jurisdiction & Sentencing
2	Arrest, Custody, Search, Recovery, Seizure, TIP, S. 164 Cr.P.C., Confession & Inquiry in Custodial Death.
3.	FIR, Investigation, Sanction for Prosecution & Cognizance.
4.	Inquiry, Trial & Place of Inquiry & Trial.
5.	Charge, Discharge, S. 319 & S.313 Cr.P.C.
6.	Recording of Evidence, Production of Things, Adjournments & S. 311 Cr.P.C.
7.	Appreciation of Evidence & Delivering Judgment.
8.	Withdrawal of Cases, Limitation for Cognizance & Irregular Proceedings.
9.	Bail, Bail Bond, Release & Disposal of Property.
10.	Appeal, Reference, Revision & Miscellaneous Topics Relating to Criminal Trial.
11.	Ambit & object of IPC, Definitions & About Punishments.
12.	General Exceptions.
13.	Abetment, Criminal Conspiracy, Common Intention & Common Object.
14.	Offence Against State etc, Against Public Tranquility etc, Relating to Public Servant & Elections and Contempt of Lawful Authority.
15.	Offence Against Body
16.	Offence Against Property.
17.	Offence Against Women & Offence Relating to Marriage (Reference of POCSO, Dowry Proh. Act, Domestic Violence Act, New Rape Law etc)
18.	Offence Relating to Documents/ Property Marks/ Currency etc.
19.	Offence Relating to Defamation, Intimidation, Insult & Annoyance.
20.	About Attempt, Motive, Genesis, Mens Rea, Actus Reus & Animus etc.
21.	Offence Triable by Assistant Sessions Judges, Procedure of Trial & Sentencing By Such Courts.
22	Scope & Ambit of Evidence Act, Admissibility & Relevancy of Facts.
23.	About Proof, Burden of Proof & Presumption.
24.	Admission & Confession.
25.	Dying Declaration.
26.	Witnesses & Their Examinations.
27.	Evidentiary Value of FIR, Significance of Case Diary.
28.	Medical Jurisprudence.
29.	NDPS Act and Drug & Cosmetics Act
30.	Offence Triable Under Forest Act/ Excise Act/ Arms Act/ IT Act (Cyber Crime)/NI Act/Electricity Act
31.	SC & ST (Prv. Of Atr.) Act/ Prevention of Corruption Act/JJ Act/ Food Ad. Act/ EC Act etc.
32.	Relevant Provisions of Jail & Police Manual / Criminal Court Rules/ Court & Office Management/ Departmental Inquiry/ E-Court Information System.
33.	Judgment Writing & Order Writing.
34.	Latest Amendments/ Case Laws & Tools of Speedy Justice.
35.	Time Management/Leadership/ Speech Craft/ Health Management.
36.	Principles of Judicial Conduct.

Bihar Judicial Academy, Patna

Precise Curriculum of 02 Days “Refresher Training Programme”

for Civil Judges – Junior Division

Topic No.	Subject (Civil Laws & Procedure)
1.	Courts, their Jurisdiction, Bar thereon & limitation.
2.	Stay of Suit, Res Judicata, Constructive Res Judicata, Admissions & Estoppel.
3.	Institution of Suit, Place of suing, Parties to Suit , Cause of Action & Framing of Issues
4.	Pleadings & Amendment.
5.	Stages of Disposal of Suits & Withdrawal of Suit/ Ex parte Suits.
6.	Examination of Witnesses, Proof/ Burden of Proof & Adjournments.
7.	Injunction, Abatement & Compromise.
8.	Inherent Power of Court, Costs, Commission/ Guardian/ Receiver.
9.	Execution.
10.	Relevancy of Facts, Admission & Estoppel.
11.	Transfer of Property Act.
12.	Specific Relief Act.
13.	Bihar Tenancy Act/ Benami Transaction (Proh.) Act, 1988
14.	Bihar Building (Lease, Rent and Eviction) Act, 1982
15.	Partition Suits (Under Hindu & Muslim Law)
16.	Civil Court Rules and Court/ E-Court Information System.
17.	Judgment Writing & Order Writing.
18.	Latest Amendments/ Case Laws & Tools of Speedy Justice.

Topic No.	Subject (Criminal Laws & Procedure)
1.	Courts, their Jurisdiction & Bar.
2.	FIR, Investigation, Arrest, Custody, TIP, 164 Cr.P.C., Confession.
3.	Cognizance & Sanction for Prosecution (Irregular Proceedings).
4.	Inquiry (Also Inquiry for Custodial Death), Trial & Withdrawal of Cases.
5.	Charge, Discharge, S.319 & S. 313 Cr.P.C.
6.	Receiving Evidence in Trial/ S. 311 Cr.P.C.
7.	Appreciation of Evidence & Delivering Judgment. (A Reference of Hostile/ Solitary/ Circumstantial /Related/ Partisan witnesses etc)
8.	Principles of Bail/ Bail Bond/ Release of Person & Property/ Disposal of Property.
9.	About Punishment Under IPC & Principles of Sentencing.
10.	General Exceptions/ Abetment/ Criminal Conspiracy/ Common Intention/ Common Object.
11.	Offence Against Body, Property & Relating to Documents etc..

12.	Offence Relating to Women & Marriage (Reference of POCSO Act/Dowry Prohibition Act/ Domestic Violence Act/ New Rape Laws etc)
13.	Admissibility & Relevancy in Criminal Trial.(A Reference of Evidentiary Value of FIR & Case Diary)
14.	Proof/ Burden of Proof/ Presumption.
15.	Admission/ Confession/ Dying Declaration.
16.	Offence Triable Under Forest Act/ Excise Act/ Arms Act/ IT Act (Cyber Crime)/ NI Act/ Electricity Act/ Drug & Cosmetics Act etc.
17.	Criminal Court Rules / E-Court Information System.
18.	Latest Amendments/ Case Laws & Tools of Speedy Justice.

**Curriculum for Civil Judge Jr. Division working in different capacity such as
S.D.J.M. , Judicial Magistrate 1st Class, Judicial Magistrate 2nd Class etc.**

CRIMINAL PROCEDURE CODE, 1973

S.N.	Subject /Act	Topic's
1.	Criminal Procedure Code, 1973	(A) Ambit & object of the Code (S.4) with discussion of important definition's given in S. 2.
		<p>(B) About Criminal Courts, Jurisdiction & Sentencing :</p> <ul style="list-style-type: none"> • Classes of Criminal Courts • Jurisdiction of Court • Jurisdiction in case of Juveniles. • Powers of Courts to impose sentence. • Powers of Courts to impose fine. • Powers of Courts to impose sentence in lieu of fine. • Sentences in the event of trial for several offences. • What is “concurrent sentence” ? • What is “consecutive sentence” ? • How to determine appropriate sentence ? • What is sentencing rule ? (Study with recent case laws) • What is warrant of sentence ? • Extra territorial jurisdiction of a Criminal Court. <p>(C) About Arrest/ Custody :</p> <ul style="list-style-type: none"> • What is arrest ? • How can arrest be made with or without warrant ? • Who can arrest ? • What is “remand” ? When remand could be done & when not? • What is “custody of police” ? • When police custody could be denied ? • What is judicial custody” ? • Who is protected from arrest ? • What is difference between arrest & custody ? • What is the right of arrested persons or a person under custody ? Study with case laws) • What is difference between arrest & custody ? • What is custody warrant ? What is production warrant ? • What is the procedure for production of accused after arrest ? • What is the procedure for production of accused in judicial custody ? • When arrest can be made ? • When examination of an arrested accused by Medical Officer is required? • When an accused in custody can be given a lawyer on Govt cost ?

S.N.	Subject /Act	Topic's
		<p>(D) About Search, Recovery & Seizure, Identification, Recording of Statement/ Confessions & Inquiry in Custodial Death:</p> <ul style="list-style-type: none"> • How a search can be conducted ? • What is the procedure of seizure ? • Where a seized article is kept ? • What is the procedure to produce seized article in Court ? • When search can be made ? When search to be done without search warrant ? When search warrant could be issued & by whom ? Who can direct for search ? • What is the procedure of seizure or attachment of unlawfully acquired property ? Can it be forfeited ? Is there provision of fine in lieu of forfeiture ? What type of transfers to be null & void ? • How identification of an arrested person is done ? Who directs for such identification and who does it ? Is there any proforma for it ? (S. 54A) • How statement's and confessions are recorded ? Who is competent to record it ? Who is competent to order for such statements to be recorded ? What is the standard form for such statement ? What is the role of Magistrate in recording such statements ? • How an inquiry in to custodial death is conducted ? How to conduct & prepare report under such inquiry ? (S. 176) <p>(E) About Processes for appearance & production of things :</p> <ul style="list-style-type: none"> • When & how summon/ bailable warrant/ non bailable warrant/ proclamation order /order for attachment of Property to be issued? <p>(F) About FIR & Investigation :</p> <ul style="list-style-type: none"> • How information is given in respect of cognizable offences & non cognizable offences to police ? • When FIR is to be submitted to the Magistrate ? • What is procedure when there is two FIR for same occurrence ? • What is procedure when there is FIR & a complaint case for the same occurrence ? • What is the procedure of investigation ? • Whether arrest could be made during investigation ? What are the latest guidelines of Hon'ble Apex Court ? • Who is competent to investigate offences under different Act's ? • What may be the role of Courts in investigation ? • Can a Court order for reinvestigation or further investigation ?

		<ul style="list-style-type: none"> • Can a Magistrate give order for investigation by CBI/ Vigilance/ NIA etc ? • What is the time limit for submission of charge sheet ? • What is the ramification if the charge sheet is not submitted within stipulated time ? • What is 'Final Form' ? • What is relevance of case diary ? Is it required to be submitted before the Court and when ? <p>(G) About Cognizance/ Place of Inquiry or Trial :</p> <ul style="list-style-type: none"> • What is definition of cognizance ? Is it defined in CrPC ? • Who is competent to take cognizance ? (Perspective under different Act's to be discussed with case laws) • Where a trial/ inquiry could be initiated ? • What will be place of trial in the event of offence committed by letter/ phone/ web site/ publication in print mode or electronic mode/ on journey or voyage/ when falls within the jurisdiction of different Courts etc. ? • Is there any limitation provided for cognizance ? • Is there provision for bar on cognizance ? When prosecution sanction is essential for cognizance ? • What is 'making over of case' & who is competent to do & at what stage ? <p>(H) About Inquiry into Complaint :</p> <ul style="list-style-type: none"> • What is a complaint ? Who can file a complaint and where ? • Who is competent to conduct inquiry and how ? Can a Magistrate direct the inquiry to be done by police or by any other person or officer ? Can a complaint be returned and why ? (S. 200, 201 & 202) • How statement of complainant or witnesses is recorded ? • What is the meaning & relevance of “making out of <i>prima facie</i> case” ? Is it defined by statute or case law ? • When a complaint could be dismissed or process could be issued ? (S. 203 & 204) • What is the implication when complainant dies ? Can he be replaced / substituted under law ? • What if complainant is absent ? • When fresh complaint could be filed ? • What is the procedure in respect of complaint for the offence U/S 138, Negotiable Instrument Act. • When a protest petition by informant in a police case could be treated as complaint ? <p>(I) How Trial Begins Before Criminal Court:</p> <ul style="list-style-type: none"> • Precise discussion of Institution & Filing of FIR/ Filing of Charge sheet/ Cognizance/ Process for Appearance of accused and if in custody, his production. • Whether an accused may be dispensed with his personal attendance (S. 205)?
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S.N.	Subject /Act	Topic's
		<ul style="list-style-type: none"> • When such application could be filed ? When it could be allowed and disallowed ? • How special summon can be issued for petty offences ? • When an accused may be allowed to be represented (S 317) ? • When a trial may be done without the presence of accused ? • Trial when said to have commenced ? • Supply of police papers to accused (S. 207, 208) • What types of cases to be treated to be instituted on police report though instituted by official complaint ? (Discussion of Labour Laws/ Forest Act/ Excise Act etc) • When and how cases are committed to the Court of Sessions without delay ? <p>(J) About conducting criminal trial/ Recording of Evidence before CJM/ ACJM/ ASJ Courts :</p> <ul style="list-style-type: none"> • What are the provisions of trial with regard to summons case instituted on police report ? • What is the provision relating to trial with regard to summons cases brought on complaint ? • What are the provisions for trial of warrant cases instituted on police report ? • What are the provisions for trial of warrant cases initiated on complaint ? • What are the provisions for trial of summon or warrant cases instituted otherwise than police report or complaint ? How to proceed in such cases ? • What is the provision relating to the offences triable by Assistant Sessions Judges ? • What provisions of trial are applicable to offences triable by Assistant Session Judge ? What are statutory limitations to the Court of Assistant Sessions Judges ? • How to frame flawless charge ? What are different perspectives in framing of charge ? • What are the stages of discharge ? • When others may be impleaded as an accused in a trial ? (S. 319) • How to make flawless statement of accused u/s 313 ? What is its relevance ? • How evidence is collected in a criminal trial triable by CJM/ ACJM / ASJ ? • How documents & material exhibits to be taken in evidence ? (A reference of Criminal Court Rules on such point) • Methods of recording evidence. • When witness may be examined on commission ? • When evidence may be closed ? When evidence may

		<p>be reopened (S 311) ?</p> <ul style="list-style-type: none"> • What is provisions relating to “Adjournments” ? • About “Plea Bargaining” • About “Compounding of Offences”. • Provisions relating to imposition of costs, Stages of costs, Where cost to be deposited & how ? • Summary procedure for giving false evidence etc. (S 344,348 - 351). • Procedure for contempt (S 345). • Procedure for offences relating to documents given in evidence etc u/s 195 & 340. <p>(H) About Concluding of Trial, Delivering Judgment and Principles of Appropriate Sentencing etc :</p> <p>When trial concludes ? Stages of disposal of criminal cases ? When and how judgment has to be passed ? What is the concept of appropriate sentencing ? What is the remedy against the judgment of acquittal / conviction ? Provisions of fines & compensation in a judgment. Concurrent & consecutive sentences. Facets of limit on maximum sentencing.</p> <ul style="list-style-type: none"> • When sentence in lieu of fine ? • When period of imprisonment undergone may be set off ? (With a reference of Jail Manual). • What is the power of imposing fine under CrPC. Is that limit operates under NI Act, Factories Act etc ? • What is maximum fine which may be imposed under NI Act ? • What is relevance of previous conviction ? • When benefit of Probation of Offenders Act may be given ? What is the procedure to be adopted ? • What if it appears on conclusion of trial that the case was not within the jurisdiction of the Court ? • What if on conclusion of trial it appears that the Court may not pass appropriate sentence ? Provisions relating to “Destruction of Material Exhibits”. (In the context of Arms Act etc) <p>(I) About appreciation of Evidence :</p> <ul style="list-style-type: none"> • What are the guidelines for appreciation of evidence in a criminal trial ? • Discussion on “no evidence cases/ case of hostile witnesses/ Cases of solitary witnesses/ Cases of only partisan witnesses/ cases of related witnesses/ cases of circumstantial evidence”. • Appreciation of evidence in cases under Arms Act/ Labour Laws/ Excise Act/ Drug & Cosmetics Act etc . • Appreciation of medical evidence vis a vis ocular evidence. • A reference of medical jurisprudence.
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		<ul style="list-style-type: none">• Appreciation of electronic evidence/ DNA Report/ Experts Reports/ Finger Prints etc.• How previous conviction/ acquittal is proved ? What is its relevance ? <p>(J) Withdrawal of Cases : (S 321)</p> <ul style="list-style-type: none">• Who is competent to withdraw a case from Court ?• What is the role of a Court ?
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S.N.	Subject /Act	Topic's
		<p>(K) About Bail, Bail Bond, Release of Property & Disposal of Property etc. :</p> <ul style="list-style-type: none"> • Provisions relating to bail. • When bail may be given ? What should be caution ? • When bail should not be given ? • When Magistrate is not authorised to keep a accused in detention u/s 167 ? When accused can not be kept in custody beyond 60 or 90 days under this provision ? • What is the maximum period for detention prescribed u/s 436 A ? • What are the provisions relating to bail, bail bond & sureties. When sureties may be discharged from liabilities ? When they may be proceeded with for dishonor of the conditions of bail ? • What are the provisions relating to release of properties ? • What are the provisions relating to disposal of property during investigation/ during trial / after the conclusion of trial ? • Is there powers of provisional bail/ interim bail/ temporary bail/ conditional bail available to the Courts of CJM / ACJM / ASJ ? • When bail to the convicted may be or may not be granted in a case of conviction for the purpose of appeal ? • Cancellation of bail. (Case laws) <p>(L) About Cases Against Lunatic persons etc, Limitation for Cognizance & Irregular Proceedings :</p> <ul style="list-style-type: none"> • What are the provisions relating to cases against lunatic persons etc? • What is the bar on taking cognizance on account of limitation ? What is the limitation in respect of different kind of offences ? • When a criminal proceedings is considered to be vitiated ? What is its impact ? <p>(M) About Provisions of Appeal, Reference & Revision:</p> <ul style="list-style-type: none"> • General concept to be discussed. <p>(N) Miscellaneous Topics :</p> <ul style="list-style-type: none"> • Procedure to be adopted for release in respect of girl/ woman/ child produced before the Court. • Discussion about transit remand. • Rights of arrested persons or a person in custody (Guidelines envisaged in DD Basu Case) • When trial may be stayed ? Discussion about S. 210.

S.N.	Subject /Act	Topic's
2.	Indian Penal Code, 1860	<p>(A) Ambit & object of the Code.</p> <p>(B) Definitions :</p> <ul style="list-style-type: none"> • Discussion of important definition's given in S. 6 to 33, 39 52 A. • What is “Act” or “Omission” ? • Who is a “Public Servant” ? • What is “Common Intention” ? (S. 34) • What is “Common Object” ? (S. 149) • What is difference between common intention & common object ? • Theory of 'constructive' & 'joint liability' ?
		<p>(C) About Punishments :</p> <ul style="list-style-type: none"> • What are different types of 'punishments' ? • Who is competent to commute the sentence ?(S. 54 - 55A) • How imprisonment of life is reckoned ? • What is provision relating to Court's power to impose fine/ simple / rigorous / partly rigorous sentences/ sentence in lieu of fine etc ? (S. 60 – 75) <p>(D) About General Exceptions :</p> <ul style="list-style-type: none"> • What are general exceptions to offence ? (S. 76 – 95) • What are the exceptions of right of private defence of person & property ? (S. 96 – 106) <p>(E) About Abetment : (S. 107 - 120)</p> <ul style="list-style-type: none"> • What is abetment ? What acts amount to 'abetment' ? • What may be different perspectives of offence of abetment ? • When an abettor may be held liable ? <p>(F) About Criminal Conspiracy : (S. 120 A- 120 B)</p> <ul style="list-style-type: none"> • What is criminal conspiracy ? What are its essential ingredients ? <p>(G) About Offences Against State etc : (S. 121 – 140, 153 B & 264 – 267, 489A-489E)</p> <ul style="list-style-type: none"> • What are the offences against state , army, navy & air force and Govt.? <p>What are the offences relating to weight & measures ? (With a reference to Weights & Measurements Act)</p>

S.N.	Subject /Act	Topic's
		<p>(H) About Offences Against Public Tranquility, Public Health etc & Religion : (S. 141 – 160 & 268-298)</p> <ul style="list-style-type: none"> • When unlawful assembly is said to has been formed ?What are its different aspects & implications ? • What is common object ? What is the meaning of “ in prosecution of common object” ? • What are the offences against public health, safety, convenience, decency & morals ? • What may be the offences appertaining to religion ? <p>(I) About Offences Relating to & Against Public Servant And Relating to Elections : (S. 161-171, 171 A – 171 I & 172 – 190)</p> <ul style="list-style-type: none"> • When a public servant is said to has committed an offence under IPC ? (Precise interface with Prevention of Corruption Act) • What are the offences relating to elections ? • When an offence is said to has been committed against a public servant ? (S. 353) • Who is public servant under IPC vis a vis Prevention of Corruption Act ? <p>(J) About Contempt of Lawful Authority : (S. 172 190)</p> <ul style="list-style-type: none"> • What are the acts amounting to be offences of contempt of the lawful authority of public servants ? <p>(K) About Offences Relating to False Evidence & Against Public Justice etc : (S. 191 - 229A)</p> <ul style="list-style-type: none"> • What are the ingredients of different offences u/s 191 – 229A ? <p>(L) About Offences Against Body : (S. 299 – 377)</p> <ul style="list-style-type: none"> • What amounts to “culpable homicide” • What amounts to “murder” ? • What is distinction between culpable homicide & murder ? • When culpable homicide not amounts to murder and when it amounts to murder ? • When a person causes death by negligence ? • When it is said that dowry death has been caused ? (here a refernce to S. 498A IPC & Dowry Prohibition Act also to be made) • When an offence of attempt to murder is said to has been made out ?

		<ul style="list-style-type: none"> • What is hurt & grievous hurt ? When it is said that “voluntarily hurt” has been caused ? • What is difference among offences u/s 323, 324, 325,326 etc. ? • What is distinction between “wrongful restraint” & “wrongful confinement ? • What is an offence of 'criminal force' and ' assault' ? • What are the offences relating to 'kidnapping, abduction, slavery & forced labour ? • What is distinction between kidnapping & abduction ? • What are unnatural offences ? <p>(P) About Offences Relating to Marriage : (S.493 – 498 & 498A)</p> <ul style="list-style-type: none"> • Deceitful cohabitation. • Bigamy. • Adultery. • Subjecting a woman to cruelty by husband /relatives. <p>(Q) About Defamation : (S. 499-502)</p> <ul style="list-style-type: none"> • How offence of defamation is said to has been committed ? • Whether both civil & criminal proceedings may be initiated for the offence of defamation ? <p>(R) About Offence of Intimidation/ Insult/ Annoyance : (S. 503 – 510)</p> <ul style="list-style-type: none"> • What intimidation/ insult/ annoyance ? When it is punishable ? <p>(S) About Attempt : (S. 511)</p> <ul style="list-style-type: none"> • When attempt is a punishable offence under IPC ? What are punishments provided ? <p>(T) Miscellaneous on IPC :</p> <ul style="list-style-type: none"> • What is the principle of “Motive”, “Genesis”, “Mens Rea” “Actus Reaus”, “Animus” etc for commission of offence under IPC and other special Act's ? • What are the offences triable by Assistant Sessions Judges ?
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S.N.	Subject /Act	Topic's
3.	Indian Evidence Act, 1872	(1) Scope & ambit.
		<p>(2) Relevancy of Facts :</p> <ul style="list-style-type: none"> • What is “Fact” ? [(1972) 1 SCC 249] • What is “Fact in Issue “ ? • What is “Relevant”? • What is 'proved', 'disproved' and 'not proved' ? • What is 'may presume' and 'shall presume' ? • What is 'conclusive proof' ? • Whether 'conclusive proof' may be allowed to be disproved ? • What sort of evidence is required to be given ? (S 5) • Whether all relevant facts are admissible one [(1975) 4 SCC 428] ?What type of evidence is inadmissible ? • What is a fact forming part of same transaction (Res gestae) ? (S. 6-8) • When a tape recorded statement may be admissible in evidence ? • When motive, preparation and previous or subsequent conduct may be relevant (S. 8) ? (Study of limitation) • Whether evidence of TIP is substantive or corroborative ? Whether TIP is public document ? Whether a Magistrate who has conducted TIP may be required to depose in Court ? • Can identification be accepted by style of writing ? [(1974) 3 SCC 680] • When facts not otherwise relevant become relevant ? (S.11) • How plea of alibi is proved ? [(1984) 1 SCC 446, (1975) 4 SCC 257] • When facts showing existence of state of mind or of body or bodily feeling is relevant ? (S.14) • When facts bearing on question whether act was accidental or intentional is relevant ? (S. 15) • What is “Admission” ? In what form it can be done ? What are its circumstances ? Is admission a substantive piece of evidence ? • Whether admissions are relevant piece of evidence & conclusive one ? Can it be proved against its doer ? (S. 21, 31) • When admission may operate as estoppel ? • What is distinction between 'admission' & 'confession' ? • When oral admission about documents or electronic records may be relevant ? (S. 22, 22A) • What is 'confession'?

		<ul style="list-style-type: none"> • Whether 'confession' may be admitted in evidence ? (AIR 1966 SC 40) • What is extra judicial confession & retracted confession ? What may be its importance ? [(1985) 1 SCC 505, (1985) 4 SCC 26, (1985) 2 SCC 341, AIR 1963 SC 1094] • Whether confession made to a police officer may be proved ? • How much information received from accused may be proved (S. 27) ? [(1969) 2 SCC 872] • When confession of co accused may be proved and against whom ? (S. 30) • When statement of person who can be called as witness may be relevant ? (S. 32) • What is 'Dying Declaration' and its relevance and when it is admissible ? [S. 32 (1)], [(1984) 4 SCC 116] • Whether dying declaration requires corroboration ? [(1985) 1 SCC 552, 557] • When evidence in one judicial proceeding may be relevant in subsequent judicial proceeding (S.33) ? When judgment of a Court may be relevant (S. 40-44) ? • What are statement's made under special circumstances ? (S. 34 – 38) • How much statement is to be proved ? • When opinion of "Experts" such as examiner of electronic evidence/ handwriting expert etc may be relevant and how it is proved ? (S. 45 – 47A) • What type of other opinions are relevant ? (S. 48-51) • When opinion about relationship is relevant ? • Whether 'character' is relevant ? (S. 52-55) • What is relevance of 'good' or 'bad ' character in a criminal case ? (S. 53 & 54) • What is relevance of 'previous conviction' ? <p>(3) About Proof :</p> <ul style="list-style-type: none"> • What are the facts which are not required to be proved ? (S. 56) • What are the facts of which Courts have to take judicial notice ? (S. 57) • What is the value of oral evidence in civil & criminal cases ? (S. 59-60) • When oral evidence is excluded by documentary evidence ? (S. 91 100) • What is documentary evidence & its kinds (S. 61-64) ? How a documentary evidence may be proved & brought on record (exhibited) ? (A reference to
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		<p>CPC as well as Civil & Criminal Court Rules to be made for comprehensive understanding)</p> <ul style="list-style-type: none"> • When secondary evidence may be adduced ? (S. 65 & 66) • Is the electronic evidence a documentary one ? When it is admissible (S. 65A & 65 B) ? (A reference to IT Act etc to be made) • How execution of document may be proved ? (S. 68 - 73) • What are public & private documents ? How it may be proved ? What is value of certified copy of public documents ? (S. 74 – 78) • What is “Presumption” under Indian Evidence Act ? • What is 'presumption of law' and 'presumption of fact' ? (A comparative analysis) • When a document “shall be presumed” to be genuine ? (S. 79 – 86, 113 B, 114 A) • When a Court “may presume” about the genuineness of any document ? (S. 87 – 90A, 113A & 114) <p>(4) About Burden of Proof : (s. 101 - 114)</p> <ul style="list-style-type: none"> • Who has burden of proof in a criminal case ? (A reference of offences related to dowry, related to woman, Prevention of Corruption Act and other Special Act's to be made) • When burden of proof shifts ? <p>(5) About Estoppel : (S. 115)</p> <ul style="list-style-type: none"> • What is estoppel ? • When admission is estoppel ? • When a party may be estopped in a litigation ? <p>(6) About Witnesses & Their Examination : (S. 118-166 & 167)</p> <ul style="list-style-type: none"> • Who may be competent to testify ? • What is provision relating to a child witness ? • Who can be called as witness ? (S. 121 – 130) • Who is “Accomplice” ? What is significance of his evidence in a trial ? Can it be basis for conviction without corroboration (S. 133) ? (An elaborate analysis with case laws) • About hostile witnesses. • About partisan witnesses. • About related witnesses. • Medical evidence vis a vis ocular evidence. • About circumstantial evidence. • Whether law mandates for any particular number of witness to prove any fact ? • What will be order of production of witnesses ?
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		<p>Who will begin evidence in a civil suit ?</p> <ul style="list-style-type: none"> • When a witness may be recalled by the parties ? What is the role of Courts under such situation ? (A reference to relevant provision in CrPC to be made) • Whether improper admission and rejection of evidence may be basis for new trial or reversal of decision ? <p>(7) Miscellaneous Topics :</p> <ul style="list-style-type: none"> • What is evidentiary value of FIR ? • What is significance of case diary ? Can it be used by Courts ? • Understanding of <u>Medical Jurisprudence</u>. • Recent Amendments & case laws.
4.	Probation of Offenders Act, 1958	<ul style="list-style-type: none"> • What benefit this Act envisages to a guilty ? (A comparative study with S.360 CRPC) • Whether power to give benefit of probation is discretionary ? • Whether a guilty may claim benefit of probation as a matter of right ? • What are the conditions to be taken into consideration to give benefit of probation ? (S. 3-6)
5.	Negotiable Instrument Act, 1881	<ul style="list-style-type: none"> • What are the ingredients of offence to be made u/s 138 ? • Whether a FIR will lie or complaint ? • Who can file complaint ? • Is offence under NI Act compoundable ? • What is sentence prescribed ?
6.	Drug & Cosmetics Act	<ul style="list-style-type: none"> • What are the offences under this Act ? • Which is competent Court for trial of offences under this Act ?
7.	Forest Act	<ul style="list-style-type: none"> • Offences under this Act . • Institution of case & procedure before Courts. Competence of Court. (A reference of procedure under NDPS Act) • Bail & Release while confiscation proceedings are pending.
8.	Excise Act	<ul style="list-style-type: none"> • Offences under this Act . • Institution of case & procedure before Courts. • What is role of police ? • Competence of Court. • Bail.
9.	Electricity Act, 2003	<ul style="list-style-type: none"> • Offences under this Act . • Institution of case & procedure before Courts. • Who is competent to investigate ? What is role of

		<p>police ?</p> <ul style="list-style-type: none"> • Competence of Court. • Bail.
10.	S.C. & S.T. (Prevention of Atrocities) Act, 1989	<ul style="list-style-type: none"> • Offences under this Act. • Competence of Court. • Institution, trial & bail. • Compensation under this Act . (A reference of Bihar Victim Compensation Scheme)
11.	IT Act, 2000 (Cyber Crime)	<ul style="list-style-type: none"> • Offences under this Act. • Competence of Court. • Institution & trial.
12.	Arms Act	<ul style="list-style-type: none"> • What are the offences triable by Magistrate Ist Class & triable by Sessions Court ? • Institution, trial & bail. • Regarding disposal of seized article after conclusion of trial.
13.	Juvenile Justice Act, 2015	<ul style="list-style-type: none"> • What is the maximum age of juvenile ? • How age of a juvenile is decided ? Which Court is competent to decide ? • Competence of trial, procedure, bail & sentence. • What if a under trial juvenile attains the age of majority ?
14.	Dowry Prohibition Act , 1961	<ul style="list-style-type: none"> • Offences under this Act. • Competence of Court. • Institution, trial & bail.
15.	Domestic Violence Act , 2005	<ul style="list-style-type: none"> • Offences under this Act. • Competence of Court. • Institution, trial & bail.
16.	POCSO Act , 2012	<ul style="list-style-type: none"> • Offences under this Act. • Competence of Court. • Institution, trial & bail.
17.	Food Adulteration Act , 1954	<ul style="list-style-type: none"> • Offences under this Act. • Competence of Court. • Institution, trial & bail.
18.	Essential Commodities Act	<ul style="list-style-type: none"> • Offences under this Act. • Competence of Court. • Institution, trial & bail.
19.	Mines & Minerals Act	<ul style="list-style-type: none"> • Offences under this Act. • Competence of Court. • Institution, trial & bail.
20.	Prevention of Corruption Act, 1988	<ul style="list-style-type: none"> • Offences under this Act. • Sanction.

		<ul style="list-style-type: none"> • Competence of Court. (A reference of Bihar Special Courts Act, 2013) • Institution, trial, seizure & bail.
21.	Labour Laws	<ul style="list-style-type: none"> • A precise reference about institution, trial, bail etc.
22.	Legal Services Authority Act, 1987	<ul style="list-style-type: none"> • Object. • Relevant provisions/ ADR (vis a vis Plea Bargaining under CRPC)
23.	Jail Manual & Police Manual	<ul style="list-style-type: none"> • Reference of relevant provisions.
24.	Criminal Court Rules	<ul style="list-style-type: none"> • Comprehensive study.
25.	Miscellaneous	<ul style="list-style-type: none"> • Criminal Law Amendment Acts 2008 & 2013. • Judgment & order writing in Criminal Trial. • Court & office management/ Inspection of court & office. Official correspondence/ official letter writing/ preparation of statements/ returns/ reports. • E-Court Information System. • Tools of speedy justice • Time management/ Leadership/ Dealing with members of bar/ Speech Craft/ Health Management. • Conducting domestic/ departmental inquiry as Inquiry Officer/ Presenting Officer. • Principles of judicial conduct.

Detailed Curriculum for Civil Judges – Junior Division

S.N.	Subject/ Act	Topic
1.	Civil Procedure Code 1908	<p>Precise discussion on object & ambit of the Code.</p> <p>(1) Different types of Civil Courts & their jurisdiction : (S.3-8)</p> <ul style="list-style-type: none"> • What are the types of Civil Court's in general ? • What is 'jurisdiction' of a Civil Court ? • What are the types of jurisdiction ? • What is pecuniary jurisdiction ? • What is territorial jurisdiction ? • What is the implication of jurisdictional error in a suit and power of Civil Court in this regard ? • What is appropriate time to raise objection in regard to jurisdiction ? • What is the implication of not raising an objection of jurisdiction by any party to the suit ? • When objection to jurisdiction could be decided ? • Can objection to jurisdiction be raised at the time of argument ? • Can a suit of lower pecuniary value be tried by a Civil Court of greater pecuniary jurisdiction ? • What is impact of trying of a suit by a court having no territorial jurisdiction ? • What is the impact of trying of a suit by a court having lower grade of pecuniary jurisdiction ? • Does 'consent' confer jurisdiction to try a dispute ? • When two courts have jurisdiction, can parties to dispute do an agreement that the suit be tried by any one of such courts ? • Can exclusion of Civil Court's jurisdiction be done ? • What is the meaning of 'Implied Bar' & 'Explicit Bar' ? • Whether service matters can be maintained in a Civil Court ? • What kind of suits may be maintainable in a Civil Court ? (Study with case laws) • What may be the case not maintainable in Civil Courts ? (Study with case laws) • When there are several defendants residing at different places, where the suit may be filed ? • What is the place of suing in the case of corporation/ firm/ company/ society/ trust/ juristic persons ? • When & how a suit for damage may lie in a Civil Court ? (Discussion of different situations with examples & case laws) • What is the meaning of term “ Civil Court to try all cases

		<p>of civil nature except those which are expressly or impliedly barred” ?</p> <ul style="list-style-type: none"> • Whether objection to jurisdiction can be raised first time at the level of appellate or revisional court ?
		<ul style="list-style-type: none"> • Whether objection to jurisdiction is question of law or fact or mixed question of both ? • What is the principle of exclusion of jurisdiction ? • How to assess the valuation of a suit for the purpose of jurisdiction & Court Fee ? (Study of Suit Valuation Act/ Court Fee Act/ Agra, Awadh, Bengal Civil Court Act/ Patna High Court Rules/ Civil Court Rules etc. <p>(2) Bar on jurisdictional power of Civil Courts (S.9-11) :</p> <ul style="list-style-type: none"> • What is the meaning of 'Impliedly barred' ? How to infer it ? • What is the meaning of 'Expressly barred' ?How to ascertain it ? • Express or Implied bar of jurisdiction on Civil Courts envisaged in CPC vis a vis by special Acts, such as ; Consolidation Law, Revenue Laws, Bihar Hindu Religious Trust Act, Industrial Disputes Act, Bihar Panchayati Raj Act , Service Matters and other laws. • Discussion of jurisdiction under CPC vis a vis Bihar Land Dispute Resolution Act. • What is a 'Math'? Who is a 'Mahanth'? What is the rights & duties of a 'Mahanth' ? Whether a person can file a suit for his right of appointment as Mahanth or for declaration that he is 'Mahanth' or for declaration of his title over any or all of properties of a 'Math' ? How property of a 'Math' could be acquired ? Whether the property of a “Math” is personal property of a 'Mahanth' ? Under What circumstances a suit relating to 'Math' may lie in a Civil Court ? • Whether pendency of criminal proceedings relating to same matter will be bar to civil suit ? • How a trial court will ascertain that a particular suit is suffering from defect of jurisdiction or jurisdictions? (without raising objection by defendant after raising jurisdiction by the defendant) <p>(3) Stay of Suit : (S. 10)</p> <ul style="list-style-type: none"> • What is the provision relating to stay of a suit ? • What is the meaning of 'directly & substantially in issue in a previously instituted suit' ? • What is to be considered by a Civil Court while deciding an issue on the point of stay of suit ? • Under what circumstances a suit may be stayed u/s 10 CPC ?

		<ul style="list-style-type: none"> • Whether this rule applies to institution of suit ? • Whether this rule applies to trial of a suit ? • Does this rule preclude a court from passing orders; such as – grant of injunction, appointment of receiver etc, (Study with case laws) <p>(4) Res Judicata : (S.11)</p> <ul style="list-style-type: none"> • What is pre-requisites for <i>res judicata</i> ? • What is the meaning of expression 'directly & substantially in issue/' ' former suit/' 'between the same parties' / ' between parties under whom they or any of them claim/' 'litigating under same title/' 'Court competent to try such subsequent suit or the suit in which such issue has been subsequently raised/' ' has been heard and finally decided by such Court' • Whether any relief claimed in the plaint and not expressly granted in decree will be deemed to have been refused for the purpose of S. 11 ? • Whether S. 11 will apply in the cases of 'Execution' ? • What does S. 11 imply where persons litigate bona fide in respect of a public right or of a private right claimed in common for themselves and others ? Will they be deemed to be claiming under the persons so litigating ? • Whether a decision of court of limited jurisdiction competent to try such issue, will operate as res judicata notwithstanding that it was not competent to try subsequent suit ? • What is the meaning of maxim ' nemo debet bis vexari pro una et eadem causa' ? • Whether a decision without jurisdiction may operate as res judicata ? [(2004) 1 SCC 497, (1998) 2 SCC 642] • Whether question of jurisdiction is pure question of law ? [(1991) 1 SCC 494, (1979) 4 SCC 83] • Whether ex parte decree/ a suit disposed of due to failure to produce evidence to operate as res judicata ? [(1996) 1 SCC 735] • Whether dismissal of suit on a technical ground (non joinder of necessary party etc) to operate as res judicata ? <p>(5) Bar to further suit : (S.12)</p> <ul style="list-style-type: none"> • Where there is preclusion by rules for a further suit on a particular cause of action, is a plaintiff entitled to bring a suit on same cause of action ? <p>(6) Place of Suing & transfer of suit : (S. 15 - 25)</p> <ul style="list-style-type: none"> • Where a suit will lie for the recovery of immovable property with or without rent or profits ? • Where a suit can lie for partition ? • Where a suit will lie for foreclosure, sale or redemption in the case of a mortgage of or charge upon immovable property ?
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		<ul style="list-style-type: none"> • Where a suit will lie for the determination of any right to or interest in immovable property ? • Where a suit for compensation for wrong to immovable property will lie ? • Where a suit for recovery of movable property actually under distraint or attachment will lie ? • Where a suit can lie when disputed properties situate at different places ? • What will be place of suing when local limits of jurisdiction is uncertain ? • What is significance of term “ the defendant resides, or carries on business, or personally works for gain, within the local limits of the jurisdiction of another court ? If the wrong to person or property is done in the jurisdiction of one court and defendant resides/ carries on business etc in different jurisdictions, where the suit will lie ? • Where a suit will lie when several defendants reside/ work/ do business at different places ? • Will a suit lie challenging the validity of decree of a former suit between the same parties ? (Difference between S. 11 & S. 21 A) • Can a suit be transferred ? Who is competent to transfer ? Where an application for such transfer may lie ? Where any such suit can be transferred ? For the purposes of the S. 24, which courts may be considered to be sub ordinate to District Court ? Is Supreme Court empowered to transfer suits etc ? • Where an application can be preferred . <p>(7). Institution of suits : (S. 26 r/w O. IV)</p> <ul style="list-style-type: none"> • How a suit can be instituted ? • Whether mere presentation of plaint is sufficient for institution ? • When a plaint is said to be duly filed ? • What is the method of registration of a suit in Court ? • Whether notice U/S 80 CPC is mandatory for institution of suit against government ? Can it be relaxed ? <p>(8). Framing of suit, Pleadings Generally, Plaint, Written statement, Set Off & Counter Claim : (O. II, VI, VII, VIII)</p> <ul style="list-style-type: none"> • What are the ingredients of framing of a suit ? • Whether a suit is required to include whole claim ? Effect of omission or relinquishment of part claim ? Can a plaintiff afterward sue for omitted or relinquished part of claim ? Whether all reliefs to be included for same cause of action or not ? What is the result of non inclusion of all the reliefs ? Under what circumstances fresh suit can lie for omitted reliefs ? • Can a plaintiff do joinder of several causes of action against several defendants ? Whether leave of court is
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		<p>required in a suit for joinder of cause of action for recovery of immovable property and what are its exceptions ?</p> <ul style="list-style-type: none"> • When a court can order for separate trial ? • When objection as to misjoinder can be taken ? • What is 'pleading' ? What is manner, mode & content of pleading ? Whether evidence is required to be stated in it ? • Whether facts presumed in law needed to be stated in pleading ? • <i>Sine qua non</i> of lawful pleading. • What is concept of striking out of pleadings ? • What is consequence of a plaint not conforming to the provisions U/O VI or VII CPC ? • What is object of pleading ? • When a pleading is considered to be defective/ inconsistent / unnecessary / alternative ? • Evidence beyond pleading is acceptable or not ? • What is equitable & legal set off - 'approbate' & 'reprobate' ? • How a plaint can be admitted ? • Under what circumstances a plaint can be returned or rejected ? • If a plaint is returned or rejected, can it be filed again ? • Whether a plaint can be filed through post ? • If a plaint is short of court fee, what is the procedure ? • What is <i>ad valorem</i> court fee ? Under what situation it is required to be paid ? How <i>ad valorem</i> court fee is ascertained ? • What is limitation for filing of plaint/ written statement etc ? (CPC vis a vis Limitation Act 1963) • What are the particulars to be stated in a plaint for a money suit/ suit for immovable property and otherwise? • When a plaintiff can file suit as representative ? • What is the procedure for admission of plaint ? • When a plaint can be returned and what is procedure for return ? • What are the grounds for rejection of plaint and procedure to be followed ? • Whether plaintiff will be precluded from bringing fresh plaint after rejection of plaint ? • When plaintiff is required to produce documents he relies upon ? • What is proper occasion for filing of documents relied upon ? • What is mode of filing of written statement/ set off/ counter claim ? What is the statutory time limit for it ? Whether court can relax the time limit and under what circumstances ?
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		<ul style="list-style-type: none"> • Whether defendant is required to file the documents he relies and when ? • What is specific pleading in written statement ? What is specific denial & evasive denial ? • How a claim of set off is done ? What is effect of claim of set off? • How counter claim is made and what is its effect ? • Who can claim exclusion of counter claim & how ? What is the effect of discontinuance of suit on counter claim ? • How subsequent pleading can be done ? • What is the procedure when a party fails to give written statement in due time. • What is the provision regarding amendment in pleading ? • When a plaint can be allowed to be amended and when not ? (Study of relevant case laws) • When a written statement can be allowed to be amended and when not ?(Study of relevant case laws) • Can a legal representative or heir of a deceased defendant bring fresh written statement on fresh grounds ? • What are the factors to be taken in to consideration in respect of amendment in pleadings ? • When proposed amendment is based on two different pleas, can it be allowed ? • What is the time provided to incorporate amendment ? What is the impact of failure to amend in time ? • Whether defendant can be allowed to amend admission in written statement ? • Is amendment ousting the jurisdiction of court permitted ? • What is effect of unverified pleadings and pleadings without affidavit ? • Whether partial rejection of plaint is possible ? • What is the relevant provision about pleadings in Civil Court Rules & Patna High Court Rules ? • What is distinction between terms “ plaint does not disclose cause of action” and “lack of cause of action in plaint” ? • What is doctrine of “Relation Back” and whether it has universal application ? [2013 (9) SCC 576] • Analysis of amendment U/O VI R 17 vis a vis provision of general power of Court to amend U/S 153. • When a trial commences ? • Whether the interlocutory petitions are pleadings ? • What is <i>factum probabanda</i> ? What is its significance in mortgage/ partition/ eviction suit ? • What is the concept of cause of action in the cases of – telecast on TV/ picture in cinema hall/ on web site/ SMS/MMS etc ? • Whether a plaint can be returned if the statute provides for
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		<p>alternative remedy ?</p> <ul style="list-style-type: none"> • Whether a suit for declaration without further relief is maintainable U/S 9 CPC ? • What is distinction between “ declaratory” reliefs and “possessory “ reliefs ? • Whether the preliminary issue can be decided prior to framing of issues ? <p>(9) Parties to suits : (O I)</p> <ul style="list-style-type: none"> • What necessary party ? • What is proper party ? • What is non joinder of a party and what is its implication ? • What is the concept of misjoinder of party and its effect ? • Will the suit fail for non joinder or misjoinder of proper parties ? • What will happen when there is non joinder or mis joinder of necessary party ? • When objection as to non joinder or misjoinder of parties could be taken ? Can it be raised after settlement of issues ? When it amounts to waiver if such objection is not raised in time provided ? • Can a attorney holder sign a plaint or prosecute a case and even depose as plaintiff ? • Can a court strike out a party improperly joined or add party(ies) necessary for effectual or complete adjudication ? • When question of joinder of defendants arise ? • When question of joinder of plaintiff arises ? • When the situation of mis joinder of plaintiffs arise ? • When the situation of mis joinder of defendants arise ? • Is mis joinder of plaintiff or defendant fatal to the suit ? Will the suit be dismissed ? What will be course of action ? • What will happen if such defect is not removed ? Whether decree passed under such situation will be valid or invalid ? • What is a suit in representative capacity ? (A analytical study of O I R 8 vis a vis S. 133 CrPC & Article 226 of Constitution) • Whether in case of partition suit all the members of family and in case of partnership firm all the partners are essential to be made parties ? If any of them are not interested to be made plaintiff what is course of action ? • Can a suit be dismissed for non joinder of necessary party ?Is the decree passed in absence of necessary party a nullity ? • If a suit is dismissed for non joinder of necessary party, can a plaintiff rectify such error in appeal ? • Is the consequence of non joinder of proper party is same
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		<p>as in the case of non joinder of necessary party ? If a decree passed in absence of proper party will bind him?</p> <p>(10) Cause of action : (O. 2)</p> <ul style="list-style-type: none"> • What is the definition of cause of action ? Is it defined under CPC ? • Can a court of competent jurisdiction proceed in suit devoid of cause of action ? • Can a court proceed when part of the cause of action has arisen under its jurisdiction ? • When a plaint does not disclose cause of action what will be its fate ?
		<ul style="list-style-type: none"> • of same transaction, will there be requirement of separate suit in respect of each distinct cause of action ? • What is the difference between O. II R 2 (2) & R 2(3) with interface to S 11 (constructive res judicata) ? • Can two simultaneous suit be consolidated for hearing together ? If yes, under what circumstances ? • What is splitting of claim ? Does the principle of splitting of claim apply to appeals, insolvency proceedings, execution proceedings, arbitration proceedings etc ? • What is joinder of causes of action ? When it can be done ? When it can not be done without the leave of the Court ? • When a plaintiff can unite several causes of action in one suit ? When court will not allow it ? [Sacharine Corporation Ltd. Vs. Wild { 15 (1903) 1 Ch 410}] • What is the appropriate relief which may be claimed in a suit of specific performance of contract in respect of movable properties ? What may claimed for a tort committed ? What may be claimed when a tort is apprehended to be committed ? • In a suit of mortgage, what remedy is available to a mortgagor and what to mortgagee ? • What types of claim may arise in a suit of contract ? <p>(11) Appearance of Parties & Consequences of Non appearance :</p> <ul style="list-style-type: none"> • How summon & notice to served on parties ? • When summon or notice to parties construed to be satisfactory. • What is the course of action when notice is satisfactory and parties do not appear ? • Whether the term “Ex parte proceedings” is defined in CPC or any other law ? What does it mean ? • When ex parte judgment/ decree could be passed ? • What is the legal recourse available under the law against ex parte decree ? Can it be set aside (O IX R 13) ? • When suit can be dismissed U/O IX R 2 & 5 in default of plaintiff ?

		<ul style="list-style-type: none"> • When suit to be dismissed for default of both sides (O IX R 3) ? • What is the legal recourse available to plaintiff when suit is dismissed U/O IX R 2 , 3 or 5 ? Can he bring fresh suit or may bring application for setting aside dismissal order & restoration of suit (O IX R 4) ? Whether law of limitation will be attracted under such circumstances ? • When plaintiff appears and defendant does not appear, can the suit be proceeded with ex parte (O IX R 6)? What recourse is available to defendant U/O IX R 7 ? • If only defendant appears what will be course of action ? If subsequently suit may be dismissed or may be partly or wholly decreed U/O IX R 8? If it is partly decreed, what will be recourse available to plaintiff subsequently ? If it is dismissed, whether plaintiff will be precluded from bringing a fresh suit ? • Analytical study of O VIII R 10 & O IX R 8 & O 17 R 2 & 3. • How court has to ascertain admission or denial of pleadings at the out set ? • Whether it is mandatory for the court to direct for ADR ? What is mechanism given under the law ? <p>(12) Discovery & Inspection :</p> <ul style="list-style-type: none"> • What is 'discovery by interrogatories' & what is the procedure to be followed by the parties & the Court ? • Can an interrogatory be objected ? • When interrogatory may be set aside or struck out ? • Can a court order for production of any document ? • When an application for discovery of document can be made ? • What is the procedure of inspection of documents ? • If the order for discovery is not complied by plaintiff, can the suit be dismissed? Similarly if it is defendant, can his defence be struck out (O XI R 21) ? • Can the answers of interrogatories be used in evidence ? <p>(13) Admissions : (O XII)</p> <ul style="list-style-type: none"> • What amounts to admission of whole or any part of case ? • How & within what time admission of documents can be done ? • When a document can be deemed to be admitted ? • Whether admission under this provision in one suit can be used in any other suit ? • When a judgment can be pronounced on the basis of admissions (R 6) ? <p>(14) Production, Impounding & Return of documents : (O XIII)</p> <ul style="list-style-type: none"> • When original documents to be produced in court ? • What is “Impounding” of a document ?
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		<ul style="list-style-type: none"> • What is the procedure to return the documents (R 9) ? <p>(15) Framing of Issues : (O XIV)</p> <ul style="list-style-type: none"> • What are issues of fact in a suit ? • What are issues of law in a suit ? • What is issues of mixed question of law & fact ? • How issues are framed ? What is to be considered for it ? • When a preliminary issue is required to be framed and decided ? • When issues can be amended or struck out by the Court? • Whether it is necessary to pronounce judgment on all the issues ? • When a court may examine witnesses or direct for production of any document for its own inspection for the purpose of framing of issues ? (R 4) <p>(16) Disposal of Suit on First Hearing : (O XV)</p> <ul style="list-style-type: none"> • When & under what circumstances a Court can pronounce judgment on first hearing ? Is there scope of proceeding further in suit thereafter ? If yes under what circumstances ? (R 2) • When a judgment could be pronounced U/O XV R 4 ? <p>(17) About Witnesses & Their Examination : (O XVI, XVI A & XVIII)</p> <ul style="list-style-type: none"> • When & how list of witnesses to be furnished ? Can out of list witnesses be examined ? What is procedure for issue of summons for a witness ? • When summon for production of documents can be issued ? • What is the power of Court where witness fails to comply with summons ? • When a witness of either of the parties could be permitted to be examined immediately (O XVIII R 16) ? • When commission could be issued for examination of any witness ? (OXVIII R 19) • What may be consequence of refusal by a party to give evidence (R 20) ? • What is the procedure to procure attendance of a witness in prison ? • How to begin evidence ? Is it plaintiff or defendant who will begin ? • What is the mode of adducing of examination in chief ? • When evidence is required to be recorded in question & answer ? • Whether demeanour of a witness is required to be recorded by the Court ? • When a Court may recall & examine a witness (XVIII R 17) ? <p>(18) Adjournments : (O XVII)</p>
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		<ul style="list-style-type: none"> • What is the law about adjournments ? When it can be allowed and on what conditions ? What is the limit of adjournments ? • Does statute mandate for day to day hearing of suit ? • What should be construed from the term “ not more than three adjournments” ? • Is the plea of advocate being engaged in other court or ill , a good reason for adjournment ? <p>(19) About Argument, Judgment & Decree : (O XVIII & XX)</p> <ul style="list-style-type: none"> • After the closure of evidence parties may advance Arguments[O XVIII R 2(3A)] • When concise written argument is to be submitted [O XVIII R 2 (3 D)] ? • What is judgment ? • Within how much time judgment is to be delivered ? • Can a judgment be pronounced after 30 days ? What is the exception ? • Study of model format of judgment prescribed by Hon'ble Patna High Court. • What is 'decree' ? When it is required to be prepared ? • Is there any prescribed format for decree ? • How/ when it is prepared & notified ? • What amounts a 'decree’ ? • What are the types of decrees ? • When preliminary decree could be passed ? • What is the appropriate stage of passing final decree ? • How a clerical or arithmetic error could be removed in judgment/ decree ? • How judgment is drawn in the cases of counter claim/ set off/ cross suits etc ? <p>(20) Injunction : (S. 94 & O 39)</p> <ul style="list-style-type: none"> • What is 'injunction ' ? (A study of CPC vis a vis Specific Relief Act & other Act's) • What are the types of 'injunction' ? • What may grounds of injunction ? • How an injunction petition can be heard ? • When injunction may be allowed ? (Study with case laws) • When injunction should not be allowed ? (Study with case laws) • Is there provision of 'stay' or 'status quo' under CPC ? Can such order be passed ? • What, if injunction order is violated ? <p>(21) Consequences of Death of Any Party : (O XXII R 1-6)</p> <ul style="list-style-type: none"> • What is the procedure to be followed when a party dies ? • What is 'abatement of suit ' ?
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		<ul style="list-style-type: none"> • When a suit is deemed to be abated ? • How abatement could be set aside ? • What is the consequence if a suit is abated ? • What if rest of the plaintiff or defendant is / are alive and on record ? Will the suit proceed further ? • Can a judgment be passed against a dead person ? • Whether right to sue survives after the death of party ? • What after marriage of party ? • When question of determination of representative arises ? • What if there is no legal representative ? • What is the procedure when a party becomes insolvent ? <p>(22) Commission : (O XXVI)</p> <ul style="list-style-type: none"> • When commission for local inspection may be appointed ? What are guiding principles for it ? (Study with case laws) • When a commission for scientific investigation or otherwise could be issued ? • When a commissioner has to submit its report ? • How objection could be filed against the report of commissioner and heard ? • Can a second commissioner be appointed ? • What is the relevance of a report of commissioner ? • Whether a commissioner may be required to depose in Court ? • What are the procedures to be followed by a commissioner ? What is his power ? • When a commissioner is required to be appointed in a partition suit? <p>(23) About Arrest & Attachment Before Judgment : (O XXXVIII)</p> <ul style="list-style-type: none"> • What is the procedure for arrest in a civil suit ? When it may be required ? • What is the procedure for attachment in a civil suit ? When it may be required ? <p>(24) About Compromise :</p> <ul style="list-style-type: none"> • When a decree on compromise may be passed ? • What is the procedure required to be adopted by the Court while resorting for a decree on compromise ? • When such decree may not be passed ? • On what grounds a decree on compromise may be challenged ? • What is the forum available to challenge a compromise decree ? • Who is bound by a compromise decree ? <p>(25) About Inherent Powers of the Court : (S. 151 – 153A)</p> <ul style="list-style-type: none"> • What are the inherent powers of the Court ? (A critical study with case laws) • When & under what circumstances a judgment/ decree/
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		<p>order may be amended/ corrected by a Court ?</p> <p>(26) About Review, Reference, Revisions & Appeal : (OXXXIX, XLI, XLIII, XLIV, XLV, XLVI, XVII)</p> <ul style="list-style-type: none"> • An overview about reference, revision & appeal ? • What are interlocutory orders ? • How & where an interlocutory order may be challenged ? • How much time a Court may allow to a party to challenge its order ? Where it is provided ? • When a review petition may be allowed or rejected ? • Can a compromise decree be reviewed ? • Is the rejection order on a review petition appealable ? <p>(27) About Withdrawal etc of Suit :</p> <ul style="list-style-type: none"> • When a suit may be withdrawn or part claim may be abandoned ? What is its after effect ? • When a suit may be allowed to be withdrawn with or without leave to bring fresh suit ? • When a defendant may be allowed to be transposed as plaintiff ? What is its impact on the suit ? • What is <i>sine qua non</i> of a decree on compromise ? Whether a suit can lie for setting aside a compromise decree ? What remedy is available in law to set aside a compromise decree ? <p>(28) About Costs :</p> <ul style="list-style-type: none"> • What are the occasions in suit when a Court may order for cost ? <p>(29) About Appointment of Guardian & Receiver : (O XXXII & XL)</p> <ul style="list-style-type: none"> • When a guardian can be appointed by a Court for minor ? • When a receiver can be appointed in a suit ? What are duties of a Receiver ? (Critical study with case laws) • Who can sue for a minor/ person of unsound mind ? What is next friend ? Who can represent a minor/ person of unsound mind ? • Can a decree against a minor/ persons of unsound mind be set aside ? What are exceptions ? • What is unreasonable or improper suit ? <p>(30) About Caveat : (S. 148A)</p> <ul style="list-style-type: none"> • What is caveat ? • Who can file a petition of caveat & when it can be filed ? • What order a Court may pass in to a caveat petition ? <p>(31) About Suits of Family Matters/ Suits By Indigent Persons/ Special Case/ Summary Procedure : (O XXXII-A, XXXIII, XXXVI & XXXVII)</p> <ul style="list-style-type: none"> • What is a suit relating to family matters ? What is a 'family' for this purpose ? What is duty of Court in such cases ? • What is suit in 'forma pauperis' ? How suits by indigent persons are filed & disposed of ?
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		<ul style="list-style-type: none"> • What are special cases ? How it is filed, heard & disposed of ? • What is 'summary procedure' ? What procedure is adopted in such cases ? Which court is competent for such cases ? <p>(32) About Interpleader Suit & Suits Relating To Mortgages of Immovable Property : (O XXXV & XXXIV)</p> <ul style="list-style-type: none"> • What is inter pleader suit? • What are the suits for foreclosure, sale and redemption? • Who may be parties to such suits ? • When preliminary or final decree may be passed in such suits ? <p>(33) About Suits By or Against Govt. or Public Officers / Military or Its Personnel / Corporations / Firms & Persons Carrying Business In Others Names/ Trustees, Executors & Administrators : (O XXVII, XXVIII, XXIX, XXX & XXXI)</p>
		<ul style="list-style-type: none"> • Discussion of relevant provision <p>(34) Execution of Decrees & Orders : (O XXI)</p> <ul style="list-style-type: none"> • What is the definition of 'execution' ? Is it defined in CPC ? • Who may apply for execution ? • Which are the Courts who are competent for execution proceedings ? • Against whom execution may be applied ? • Can a decree may be executed against the property of judgment debtor or against the property of legal representative also ? • What is limitation to file an application for execution in a decree for mandatory injunction? What is limitation for filling execution application in other kinds of decrees ? (Reference of Articles 135 & 136 of Limitation Act) • When order for immediate execution may be passed ? • What is the procedure to be followed for execution ? How execution is to be done ? • What is the mode of execution of a decree ? (Different aspects under different laws to be discussed with relevant case laws) • Can women be arrested or detained in execution ? • Can a house be entered after sunset & before sunrise ? • What is maximum period of detention provided (different aspect to be discussed ? When he can be released before expiry period ? • Whether after expiry of detention period, a judgment debtor may be released ? If after release a judgment debtor is discharged from liability ? Can he be re arrested for same decree ? • What is "Garnishee" ? What is 'garnishee proceedings' ? • When execution can be stayed ? Who is competent to

		<p>stay ? How stay is to be given ?</p> <ul style="list-style-type: none"> • When attachment in execution can be done ? Can a property be transferred during attachment ? • When an objection in execution can be filed ? Who can file it ? How it can be disposed of ? Can a stranger file objection and if yes, on what grounds ? • When & how a sale of property in execution can be done ? • What is the meaning of “functus officio” ? • What are the questions which may be decided by a executing court ? Whether such order is appealable ? • Can a void decree be executed ? <p>2.Indian Evidence Act, 1872(1) Scope & ambit.</p> <p>(2) Relevancy of Facts :</p> <ul style="list-style-type: none"> • What is “Fact” ? [(1972) 1 SCC 249] • What is “Fact in Issue “ ? • What is “Relevant”? • What is 'proved', 'disproved' and 'not proved' ? • What is 'may presume' and 'shall presume' ? • What is 'conclusive proof' ? • Whether 'conclusive proof' may be allowed to be disproved ? • What sort of evidence is required to be given ? (S 5) • Whether all relevant facts are admissible one [(1975) 4 SCC 428] ? What type of evidence is inadmissible ? • What is a fact forming part of same transaction (Res gestae) ? (S. 6-8) • When a tape recorded statement may be admissible in evidence ? • When subsequent conduct may be relevant ? • When facts not otherwise relevant become relevant ? (S.11) • What is “Admission” ? In what form it can be done ? What are its circumstances ? Is admission a substantive piece of evidence ? When admissions may be relevant in civil suits ? (S. 23) • When admission may operate as estoppel ? • When oral admission about documents or electronic records may be relevant ? (S. 22, 22A) • When statement of person who can be called as witness may be relevant ? (S. 32) • When evidence in one judicial proceeding may be relevant in subsequent judicial proceeding (S.33) ? When judgment of a Court may be relevant (S. 40-44) ? • What are statement's made under special circumstances ? (S. 34 – 38) • How much statement is to be proved ? • When opinion of “Experts” such as examiner of electronic evidence/ handwriting expert etc may be relevant and how it is proved ? (S. 45 – 47A)
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		<ul style="list-style-type: none"> • What type of other opinions are relevant ? (S. 48-51) • When opinion about relationship is relevant ? What is to be taken into consideration when relationship is under challenge in a civil suit ? • Whether 'character' is relevant in a civil suit ? (S. 52-55) <p>(3) About Proof :</p> <ul style="list-style-type: none"> • What are the facts which are not required to be proved ? (S. 56) • What are the facts of which Courts have to take judicial notice ? (S. 57) • What is the value of oral evidence in civil cases ? (S. 59-60) • When oral evidence is excluded by documentary evidence ? (S. 91 100) • What is documentary evidence & its kinds (S. 61-64) ? How a documentary evidence may be proved & brought on record (exhibited) ? (A reference to CPC as well as Civil Court Rules to be made for comprehensive understanding) • When secondary evidence may be adduced ? (S. 65 & 66) • Is the electronic evidence a documentary one ? When it is admissible (S. 65A & 65 B) ? (A reference to IT Act etc to be made) • How execution of document may be proved ? (S. 68 - 73) • What are public & private documents ? How it may be proved ? What is value of certified copy of public documents ? (S. 74 – 78) • What is 'Sada Patta' ? Can it be admitted in evidence ? • What is significance of 'Oral Transfer' ? (A reference of oral sale as well as gift etc under Muslim Law to be discussed) • Is entry in record of rights/ record of rights a conclusive proof of title & possession ? AIR 2008 SC 901, (2009 (2) PLJR 1028, (2006) 1 SCC 658/ AIR 2006 SC 376, (2007) 11 SCC 736, AIR 1997 SC 2181. • Whether recording of jamabandi create any title ? [(2007) 13 SCC 565] • What is relevance of revenue receipts ? (AIR 2008 SC 1456) • What is "Presumption" under Indian Evidence Act ? • What is 'presumption of law' and 'presumption of fact' ? (A comparative analysis) • When a document "shall be presumed" to be genuine ?(S. 79 – 86, 113 B, 114 A) • When a Court "may presume" about the genuineness of any document ? (S. 87 – 90A, 113A & 114) <p>(4) About Burden of Proof : (s. 101 - 114)</p> <ul style="list-style-type: none"> • Who has burden of proof in a civil suit ?
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		<ul style="list-style-type: none"> • When burden of proof shifts ? <p>(5) About Estoppel : (S. 115)</p> <ul style="list-style-type: none"> • What is estoppel ? • When admission is estoppel ? • When a party may be estopped in a litigation ? <p>(6) About Witnesses & Their Examination :(S. 118-166 & 167)</p> <ul style="list-style-type: none"> • Who may be competent to testify ? • What is provision relating to a child witness ? • Who can be called as witness ? (S. 121 – 130) • Whether law mandates for any particular number of witness to prove any fact ? • What will be order of production of witnesses ? Who will begin evidence in a civil suit ? • When a witness may be recalled by the parties ? What is the role of Courts under such situation ? (A reference to relevant provision in CPC to be made) <p>(7) Miscellaneous Topic :</p> <ul style="list-style-type: none"> • Recent Amendments and Case Law. <p>3. Limitation Act:</p> <ul style="list-style-type: none"> • “Period of limitation” & “Prescribed Period”. • Bar on limitation. • Extension of limitation – prerequisites in various circumstances. (A reference of Specific Relief Act to be given in the context of specific performance of contract) • Continuous running & extension on acknowledgement. • Computation of limitation <p>4. Bihar Tenancy Act:</p> <ul style="list-style-type: none"> • Provisions where suit may lie before a Civil Court. <p>5. Transfer of Property Act, 1882</p> <ul style="list-style-type: none"> • Scope & ambit of the Act. • What is transfer of property in respect of movable & immovable properties ? Who is competent to transfer ? In whose favor transfer may be done ? What are modes of transfer ? • What is 'part performance' ? • What is 'sale' ? How sale is made ? • What is contract for sale ? How a suit of contract for sale may be dealt with ? • What is 'mortgage' ? What are its kinds ? How it is redeemed ? • What is 'foreclosure or sale' ? • What kinds of cases come before a civil court and how to deal with them ? • What is lease ? How it may be done? • What type of case relating to lease may come before a
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		<p>civil court & how to deal with ?</p> <ul style="list-style-type: none"> • What is 'exchange' ? How a valid exchange may be done ? • What is 'gift' ? How a valid gift may be done ? • What is difference between a gift under Hindu law & Muslim law ? • What is actionable claim ? Who can transfer an actionable claim ? • What is “Rule Against Perpetuity” ? • What is distinction between 'mortgage' & 'sale' ? What is mortgage with conditional sale ? <p>6. Specific Relief Act, 1963</p> <ul style="list-style-type: none"> • Scope, ambit & latest amendments. • When a suit for recovery of specific immovable property can be brought ? Against whom such suit may lie ? What is limitation for it ? [(1975) 4 SCC 518] • What is adverse possession ? What is test for proof of adverse possession ? (Study of case laws) • A comparative study of S. 6, TP Act & S. 145, Cr.P.C. • What is remedy to an unsuccessful person in a suit u/s 6 ? • When a suit for recovery of specific movable property may be brought ? (S. 7) • When a suit for specific performance of contract or part of contract may arise ? When it is enforceable ? • When a suit for specific performance of re conveyance may lie ? • Whether title may be decided in a suit for specific performance ? • What are the rights of purchaser or lessee against person with no title or imperfect title ? • What is doctrine of frustration ? (AIR 1975 SC 261) • What are the contracts which may not be enforceable ? • Who is entitled for specific performance ? • What is significance of “readiness & willingness” in a suit for specific performance of contract ? • What are the discretion available to the courts in a suit for specific performance ? How it could be exercised ? <p>When a suit for rectification of instrument/ recession of contract/ cancellation of instrument may lie ? What are different perspectives in such suits & role of Courts ?</p> <ul style="list-style-type: none"> • When a declaratory decree' may be passed by the Court ?What is its impact ? <p>Provisions of “Injunction” (S. 36-42).</p> <ul style="list-style-type: none"> • When temporary or permanent injunction may be granted ? What are ingredients for it ? • What is mandatory injunction and when it can be granted ?
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		<ul style="list-style-type: none"> • When damages in lieu or in addition to injunction can be granted ? • When injunction should be refused ? When a situation of injunction to perform a negative agreement may arise ? <p>7. Bihar Building (lease, Rent and Eviction) Control Act, 1982</p> <ul style="list-style-type: none"> • Scope & ambit. • Competence of Court under this Act. • How a suit of eviction/ partial eviction may be dealt with under this Act. <p>8. Arbitration & Conciliation Act, 1996</p> <ul style="list-style-type: none"> • Where a arbitral award may be challenged ? • On what grounds an arbitral award may be challenged ? (S. 34) <p>9. Hindu Law</p> <ul style="list-style-type: none"> • Special reference to succession & adoption. • Hindu Law Amendment Act 2005. • Who are coparceners ? (Reference of partition suit to be given) • What is provisions relating to Math/ Charitable endowments ? What type of suit may come before a Civil Court ? (A reference to Bihar Religious Trust Act to be given) <p>10. Muslim Law</p> <ul style="list-style-type: none"> • Inheritance / Gift under Muslim law. • Partition under Muslim law. • What type of suit may arise before a Civil Court. <p>11. Court Fee Act / Suit Valuation Act.</p> <ul style="list-style-type: none"> • How valuation of suit is done (Procedure) ? • What is ad valorem court fee ? Where it may be applicable ? • What is procedure given in CPC in respect of less court fee ? <p>12. Indian Registration Act</p> <ul style="list-style-type: none"> • A precise view about provisions relating to registration of instruments. <p>13. Bihar Land Disputes Resolution Act</p> <ul style="list-style-type: none"> • Competence of court under the Act. <p>14. Benami Transaction (Proh.) Act, 1988.</p> <ul style="list-style-type: none"> • What type of suits may arise under this Act and competence of Court ?
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		<p>15. Bihar Panchayati Raj Act.</p> <ul style="list-style-type: none"> • Jurisdiction of Gram Kutchehery & provision of appeal under this Act . <p>16. Legal Services Authorities Act, 1987</p> <ul style="list-style-type: none"> • Salient features vis a vis S. 89 of CPC. <p>17. Indian Contract Act, 1872</p> <ul style="list-style-type: none"> • Discussion of important provisions which may come across for the adjudication of Civil Suits. <p>18. Sales of Goods Act, 1930</p> <ul style="list-style-type: none"> • Discussion of important provisions which may come across for the adjudication of Civil Suits. <ul style="list-style-type: none"> • General Clauses Act , 1887 • A precise reference of important provisions. • Civil Court Rules • Intensive study. • Miscellaneous • Amendment relating to Civil Laws & recent landmark case laws. • Judgment & order writing in Civil Trial. • Court & office management / Inspection of court & office. Official correspondence & official letter writing/ Preparation of statements/ returns/ reports. • E-Court Information System. • Tools of speedy justice • Time management/ Leadership/ Dealing with members of bar/ Speech Craft/ Health Management. • Conducting domestic/ departmental inquiry as Inquiry Officer/ Presenting Officer. • Principles of judicial conduct. <p>Note: Apart from the topics mentioned above <u>Schedule -I</u> is annexed here with which includes some more break up of topics and simulated problems of CPC and Civil Minor Acts. These are as follows:</p>

Schedule -I

Civil Law (CPC)

Topic I :- Pleadings

- Analysis of Framing of Suit from the angle of Bench/ Court. What are to be looked into at the time of Admission/ Rejection/ Returning of a Plaintiff by a Court ?

- Drafting of Pleading i.e. Complaint/ Written Statement/ Set off/ Counter Claim. What are the circumstances under which it is said to be defective?
- What are the period of limitation for filing of Complaint, W.S./Set Off/ Counter Claim and how it would be counted as per the limitation act. 1963?
- Concept of Amendment of Complaint, Written Statement, Set-Off, Counter Claim. What are the points to be looked into at the time of allowing or rejecting the amendment petition? Whether amendment of any Interlocutory petition is permissible under Civil Law? Whether amendment include striking out pleadings? Concept of amendment of own pleading & other's pleading
- Object of Pleadings. Evidence beyond pleading whether acceptable, if yes then under what circumstances?
- What is Inconsistent Pleading, Unnecessary Pleading & Alternative Pleading?
- Whether inconsistent pleading can be set up in the pleading ?
- Distinction between the Inconsistent & Alternative Pleadings
- Whether a party can approbate and reprobate ?
- Rules of Interpretations of Pleadings
- Principle of Secundum allegata et Probata
- What are material fact, factors governing the determination, factum probandum, factum probantia & exception to the rule of pleading material facts.
- Evidentiary Facts and material facts. How both apply in a suit separately and even jointly? Illustrate it by case law
- Principles of amending pleading after the CPC amendment act, 2002 & factors underlying the principles of "due Diligence"
- At the time of passing orders on amendment petitions what has to be looked into ?
- Concept of "Time Barred Amendment". Whether a Time barred amendment permissible?
- Written Statement and theory of Traversal
- Factors which determines the accrual of cause of action for a Counter Claim
- Time limit for preparing & filing the Counter Claim
- Whether more than one set of counter claim can be filed in a suit?
- A suit proceeds ex-parte, whether the defendant can be allowed to file counter claim.
- Reliefs which can be joined / relief which can not be joined.
- Relevant provisions relating to pleadings in Patna High Court Civil Rules.
- Real controversy test vis-à-vis amendment
- Amendment by court having no jurisdiction
- Amendment ousting jurisdiction of the court
- Whether amendment is permissible u/s 151 CPC
- Whether a defendant can be allowed to amend an admission in the Written statement.
- What are the effect of unverified pleading? Whether it is fatal? What are consequences when complaint or the W.S. are not supported by affidavit? Whether the suit or the defence will fail?
- Under what circumstances a court can return the complaint.
- What are the formalities required to be observed while returning the complaint.
- Whether the court can direct the presentation of complaint to a particular court, if so such power can be exercised to present the complaint in other District or State.
- Whether a plaintiff who consents to the return of complaint to a particular court can

- challenge the order returning the plaint?
- Under what circumstances a plaint can be returned?
- Whether a plaint can be rejected partially?
- Whether the court can take into account the materials placed by the defendant to reject the plaint?
- Whether rejection of plaint bars fresh suit on the same cause of action?
- Distinction between “plaint does not disclose cause of action” & “lack of cause of action”
- Doctrine of Relation Back – whether this doctrine is of universal application.
- Scope of amendment u/s 153 CPC
- Counter claim valued more than pecuniary jurisdiction of the court – courses open to the court
- When does a trial commence within the meaning of order 6 Rule 17 CPC?
- What is the meaning of evasive and specified denial? Illustrate by examples
- Whether the statements of the interlocutory application are pleadings as defined under Order-6 of CPC. (Whether Interlocutory application e.g. injunction, receivership, addition of parties, substitution, commission etc. can be considered as pleadings u/o 6 of CPC.)
- Can the factum probanda of one parties becomes factum probanda for another? with interface : * Mortgage suit, * Partition suit, * Eviction,
- Reason behind the assertion as to why pleadings to state material facts and not evidence or law? What would be the impact of violation of this rule?
- Presumption of law not to be pleaded but its material facts necessary to be pleaded. Discussion on legal presumptions
 - Hindus are presumed to be joint unless contrary not proceed.
 - Husband & wife are presumed to live together.
 - Existence of Ownership means no need of easement.
 - In use of immovable property means no need of possession.
 - Presumptions dealt in Specific Relief Act, 1963
 - Presumptions dealt in Limitation Act, 1963
 - Presumptions dealt in Marriage Law
 - Presumptions dealt in Transfer of Property Law
 - Presumptions dealt in Succession Acts including Indian Succession Act, 1925
 - Presumptions dealt in Tenancy Laws, Ceiling Laws, BBC Act & other Revenue Laws.
 - Presumption available in other commonly used Civil laws
- Impact assessment of presumption or strict construction of pleadings in the courts.
- Whether verification and affidavit as contained in Order 6 and as contained in Order 18 Rule 4 are same?
- Whether any irregularity/ illegality in the verification and the affidavit amount to directory or mandatory violation?
- What is doctrine of “relation back” in amendment of pleading? [2013 (9) SCC 576 Prithipal Singh vs. Amrit Singh & Ors.
- Order 7 Rule 10 with Section 14 of limitation Act. [2013 (4) BLJ SC 18; ONGC Ltd. vs. Modern Construction Co. plaintiff] is entitled to Conclude.
- Whether the test of Representation, Fraud, Breach of trust, Willfull default, Undue influence, Malice, Fraudulent, Intention, Knowledge, or other condition of mind

as indicated in order 6 of CPC have the same ingredients as that of defined under criminal law particularly when the use of evidence for civil law and criminal law are different.

- Equitable staff and legal Set off – Approbate & Reprobate – (2013) 8 SCC 349
- Distinction between – Order 6 Rule 16 & Order 6 Rule 17
- Distinction among Pleading, New Pleading, Addl. Pleading, Alternative Pleadings – (2013) 9 SCC 338

Topic 2 :- Jurisdiction

- What is jurisdiction? Types of jurisdictions (s. 6, 15-21A & 9 of CPC),
- How a trial court will ascertain that a particular suit is suffering from defect of jurisdiction or jurisdictions? (without raising objection by defendant after raising jurisdiction by the defendant)
- What course has to be adopted when finds that suit is suffering from the defect of jurisdiction?
- Effect when a suit of lower value tried by higher grade, and when a suit of higher value tried by lower grade.
- “Jurisdictional Errors”, when failure of justice & when not fatal?
- What is the effect of raising objection at various stages of a suit? Whether an objection of territorial jurisdiction can be raised at the time of argument?
- Objection of jurisdiction how entertainable i.e. by way of preliminary objection, at the stage of O7Rule 11, at the stage of framing of issue or otherwise? When the objection of jurisdiction can be heard before filing the W.S., after filing of W.S.. What is the distinction between the two?
- How a Presiding Judge can test in a particular case there are deficiency of jurisdiction in subject matter i.e. Explicit Bar, Implied Bar?
- Concept of valuation under Suit Valuation Act; Court Fee Act; Agra, Awadh Bengal Civil Court Rules & Patna High Court Rules of Civil Courts.
- An agreement contains a clause “subject to X Jurisdiction”, a suit has been filed showing cause of action at ‘Y’ only. After filing suit at place Y objection raised about place of sue, course to be adopted.
- Corporation where resides? Place of sue in case of corporation (same is for firm, company, society, trust, juristic persons)
- A suit has been filed at place ‘A’ against several defendants residing at different places, all the defendants acquiesce to the institution of suit except one. Whether without the consent of one of the defendant suit can proceed at place ‘A’?
- Meaning of the work actually or voluntarily residence or works for gain?
- A person wants to file a damage suit at place ‘A’ where he resides and watched the programme, against news channel or T.V. channel whose office is not situated at place ‘A’, whether he can file suit at place ‘A’?
- Concept of place of cause of action in case of telecast on television, picture in cinema hall, observing the web-site, receiving a message/ picture on SMS or MMS.
- Whether a Plaint can be returned if the statute, provide an alternative remedy?
- Concept of jurisdiction of civil court to try all suits of civil nature unless express or impliedly barred.
- Whether a suit for declaration without further relief maintainable u/s 9 of the CPC.
- Principles of exclusion of jurisdiction, how much fatal in suits.

- Jurisdictional facts, Adjudicatory facts & Evidentiary Facts whether question of fact, question of law or mixed question of facts and law both?
- Express/ Implied bar of jurisdiction of civil court as per CPC Vis-à-vis Special acts like Consolidation Law, Revenue Laws, Wakf Act, Bihar Hindu Religious Trust Board Act, Cooperative Society Act, Industrial Dispute Act, I.T. Act, Copy Right Act, Bihar Tenancy Act, Ceiling laws, Survey Settlement Act, Public Land Encroachment Act, Panchayati Raj Act, Municipality Act 2007 and other central and state acts whose disputes are commonly filed in the civil courts.
- Whether the jurisdiction as laid down by the statute can be ousted with the consent of the parties?
- What is distinction between **declaratory** reliefs and **Possessory** reliefs? What are the different types of reliefs barred under law and when? (Discussion under specific relief Act or any other law)?
- Whether the Preliminary issue can be decided prior to framing of all the issues or only after framing of all the issues and then decide only preliminary issues indicating therein.
- The test of jurisdiction related to subject matter in C.P.C. and in BLDR Act (Bihar Law Dispute Resolution Act), CPC, whether there are interference among each other if yes up to what extent, Discuss?
- Whether the question of jurisdiction can be raised for the first time in the appellate or revisional court .

Topic 3:- Parties to Suit

- Concept of Joinder, Non Joinder & Mis- Joinder
- Joinder of Parties, Joinder of plaintiff, Joinder of Defendant , Joinder of Third Party & Joinder of Cause of Action; Concept of person in Civil Law [concept of perpetual minor]
- Locus standi Vs Right of impleadment
- (i) Who may be joined as plaintiff at the time of presentation of suit.
 - What aspect court has to looked into at the time of passing order for addition of a person as plaintiff/ defendant during the pendency of suit. – Permission from plaintiff whether necessary, consideration of Limitation aspect whether necessary, Opportunity to file pleading by the newly added plaintiff/ defendant whether necessary, What other aspects of laws necessary to consider at the time of passing order on application for addition of party as plaintiff/ defendant
 - Is therein fetter in the court's power to allow a third party to join with the plaintiff/ defendant – the requirement of consent of the plaintiff who is on record.
- Meaning of Right to relief arise out of same transaction or act or series of transaction of acts. – Position prior to 1976 and after 1976.
- Whether several plaintiffs or defendants have separate causes of action can join in one suit?
- What are the requirement of joining several defendants in one suit ?
 - Whether several defendants can be made party in the same suit ?
 - When plaintiff is in doubt from whom several defendants redress is to be sought?

- Whether the provisions present in the CPC is imperative, obligatory or exhaustive ?
- What are the test to determine the necessary party? Concept of Necessary Party Vs Proper Party. Explain the Meaning of person who ought to have been joined
- Mis-joinder Vs Non-Joinder of parties – Objection of mis-joinder and non-joinder of parties should be taken at the earliest possible opportunity
 - Whether the plaintiff can be allowed in an appeal to rectify the error and to apply for an amendment , if he declined to add the necessary party
- In case of non joinder of necessary parties, whether court can immediately proceed to dismiss the suit ? If not why ? Whether opportunity of amend the plaint by adding absent parties be provided to the plaintiff ?
- Power of court under Order 1Rule 10(2) and Order 6Rule 17 be same or different ?
- What do you mean by at any stage of the proceeding ?
- Meaning of the expression “Power to strike out or add parties”
- The question of impleadment of party is to be decided on the touch stone of Order 1 Rule 10 does it mean that only a necessary or proper party is to be added with the permission of plaintiff?
- Whether a third party who could affected by an effective order of a court is entitled to get implead as a proper party, even against the wishes of the plaintiff?
- Difference between the provisions contained in Order 1Rule 10 and Order 22 Rule 4.
- Whether a party who failed to take steps under order 22Rule 3 & 4 of CPC can be allowed to take steps under order 1 Rule 10 ?
- The law is that when defendant is added then amendment of Plaint has to be made. Whether after such amendment the original defendants will get an opportunity to submit further W.S./ additional W.S.
- What shall be limitation in case of substitution or addition of a new plaintiff or defendant? When would be suit be deemed to be instituted as regards a new plaintiff or a new defendant?
- What is Transposition of parties ? Whether defendant has right to seek transposition? When a plaintiff may be transposed?
- Whether every plaintiff in a suit should be interested in the entire subject matter of the suit?
- Whether the defendants are required to be interested in all the reliefs claimed?
- Under what circumstances the court can exercise its power to order separate trials instead of allowing joinder of defendants may embarrass or delay trial.
- Concept of Representative suit? Essential conditions for application of Order 1 rule 8. Explain the term “same interest” and “numerous person”. Concept of service of notice in representative suit.
- When permission to sue or to be sued may be given. Whether permission to be expressed?
- Meaning of Judgment may be pronounced for or against one or more of joint parties.
- Failure to join any party does not per se entail the dismissal of a suit if the rights of the parties actually before the court can be effectively disposed of - concept of Order 1 Rule 9
- Non joinder of a necessary party is fatal to the suit (proviso of sec. 99 Vs Proviso of Order 1Rule 9). A defect of non –joinder can be corrected, if during the pendency of suit the plaintiff gets added the left out necessary or proper party.
- Whether in a suit for ejectment under the B.B.C. Act, a third party get himself added

as plaintiff claiming that he is the original owner of the suit premises and the person who brought the suit for eviction has/had no right over the suit property.

- Where one person sues or is sued and another person is sought to be substituted in his place – can this be treated as a case of mis-description and whether the amendment on the footing of mis-description will be hit by law of limitation.
- Power of court to permit a person or body of persons to present opinion or to take part in the proceeding of the suit as the court may specify.

Topic 4:- Institution of Suit

- Mere presentation of plaint is not a test for due institution of suit.
Suit filed u/s – 91 C.P.C. but without leave(1988 Vol. 2 KLT 605); Filing a pauper suit without leave permission to sue(AIR 1967 PAT 320); Institution of suit u/s 18 of Land Acquisition Act without reference made by the Collector/ Land Acquisition Officer(AIR 1981 Punjab 354).
- Court in which suit to be Instituted (Sec-15)
- Filing of suit depends upon the nature of property under dispute – (S. 16 to 20)
 - Suits for immovable properties; (ii) Suits for movable properties; (iii) Suits for mixture of immovable & movable properties; (iv) Suits for wrongs & (v) Suits which do not comes within the above categories.
 - Concept of defendant resides or cause of action arises for the purpose of testing jurisdiction
 - Concept of “Actually & Voluntarily resides or works for gain” or “carries on business.” for the purpose of resting jurisdiction
 - Suit by or against state, govt. body, corporation or company or society or trust or firm, where to be instituted?
 - Can parties by mutual consent/ contract confer jurisdiction on a court as usually found in the printed cash memo/ invoice etc. i.e. subject to Jurisdiction of other court.
- When a plaint said to be duly instituted? If a suit does not contain the schedule property can it said to be duly instituted?
- If plaint does not contain or comply the provisions laid down in Order VI or VII CPC then what shall be consequences?
- Where a suit is not duly instituted, then the plaint can be refused or returned?
- Where a suit is duly instituted, then the plaint can be refused or returned?
- What the distinction between the presentation and Registration/Institution.
 - (a) When a suit is presented before the office of the court.
 - (b) Suit is presented but not entered in the institution register. [1969 Guj 308 [1970 (72) Bombay Law Report] BJ7 or 627
- If a suit against a dead **person is decided** – Whether it can be said that it has not been duly instituted ?
- Whether a plaint can be presented though post?
- What are the conditions laid down under which a plaint shall not be duly instituted. (Compliance of Order – 4, Rule -1 (1), Rule-1 (2).
- If court is of the opinion that stamp reporter is wrong then what course to be taken
- If an advocate challenged before the court that report of Stamp reporter is wrong then what to do?

Topic 5 :-Bar of Filing Suit

- Meaning of Express bar & Implied Bar. Methodology for interfering implied bar.
- What is Suit of a civil nature? Whether a Mahant can file a suit for his right of occupy the designation of Chief Mahanth, whether a shebait in individual capacity?
- Whether a civil court has jurisdiction to try labour disputes? Whether civil court has power to decide a dispute relating to date of Birth.
- Res-judicata- its essential features – Explanations I to VIII,
- Resjudicata applies not only to two suits but also different stages of the same suit – explain this concept. Is there any exception to this rule?
- Constructive Res-judicata, erroneous decision of a competent court and res-judicata
- Compromise decree & resjudicata
- Application of resjudicate between the co-plaintiffs
- Applicability of res-judicata between the co-defendants
- Ex-parte decree and res-judicata
- Whether the plea of resjudicata can be waived?
- Res-judicata and estoppel
- Discuss the circumstances when the res-judicata is not applicable in subsequent suit.
- Whether a suit can be filed challenging the validity of a decree on the ground of place of sue, if no, then what are the essentials requisites for the applicability of such bar, are there any exception to these rule.
- When a decree is silent w.r.t. payment of interest on the principal sum, as prayed , whether a suit can be filed for such payment of interest, if yes, then under what circumstances?
- Whether a stranger can invoke the provisions u/s 47 CPC, whether a separate suit will lie for setting aside a decree on the ground that one of the defendants was minor at the delivering judgment?
- Whether a suit can be filed for setting aside a decree obtained by fraud or misrepresentation?
- Whether an application u/s 47 CPC can be filed before the execution process is taken up, then whether a suit can be filed for staying the execution of a decree?
- A decree for recovery of possession is set-aside in appeal, whether the appellant can file a suit for decree of permanent injunction and declaration of title that decree holder be dispossessed?
- A suit instituted in representative capacity is decreed – a person approaches the court for granting relief the decree is not binding on him, whether such suit maintainable?
- A relief following a cause of action is not prayed or in a suit , whether such relief can be prayed for by another suit – if yes then under what circumstances
- What is the difference between order 2 and Order 2(3) of CPC and constructive resjudicata?
- Dismissal of a suit for non-appearance – whether appeal or fresh suit ?
- If the plaintiff failed to take steps for summons – consequences and remedy.
- A suit dismissed u/O 9 Rule 3 CPC- a subsequent suit on the same cause of action filed after period of limitation- whether maintainable- What will be the date of reckoning for the limitation.
- Dismissal U/O 9Rule 5 what is the remedy? – During hearing of restoration

application arising out of dismissed suit, the said application again dismissed due to non appearance of the plaintiff, what are the remedies left. – Whether fresh suit can be filed against subsequent dismissal.

- Whether sale of an immovable property in execution of a decree can be set aside in a suit brought in that behalf – bar to a suit created u/o 21R101 CPC – whether an stranger can invoke the said provisions or not – discuss the legal position.
- If a suit has been abated then for the same cause of action whether a fresh suit shall lie? If no then discuss exception to it.
- Compromise of a suit, withdrawal of a suit & Abandonment of a claim in a suit – Whether these three can be challenges in a separate suit or not – if so under what circumstances.
- If a suit has been withdrawn without liberty to file afresh then whether a fresh suit on the same cause of action can be filed and if so then discuss it period of limitation i.e. from the date of cause of action or from the date of withdrawal.

Topic 6 :-Suits by of against Government

1. Who is the authorized person or agent to act for government/ State? Position of those persons in the light of sec.79 CPC & Art. 12 & 300 of Constitution of India. Whether a corporation falls within the ambit of Government for the purpose of s.80 CPC?
- 2.Scope and application of Sec. 79 in relation with notice u/s 80 CPC. Under what circumstances notice u/s 80 may be waived?
3. Whether in a suit by or government, all Public officers be a necessary party if no then who shall be the necessary and proper party? Whether the provision of s.80 CPC is applicable when govt. is arrayed as a Performa defendant? Concept of agent of the government.
- 4. Whether there is any duty casted by law makers upon the court to do something when a suit against the government or public officer filed in his official capacity?
- 5. Consequence of non reply of notice u/s 80 CPC by Govt. Officials particularly after adoption of Bihar State Litigation Policy 2011.
- 6.What is the Importance of Notice u/o27Rule 1-A of CPC, 1908?
- 7.Meaning of noticing to Attorney General or the Advocate General?
- Under what circumstances the court may add the government or other authority as party to a suit?
- Provisions of imposing cost in suits relating to Govt. or public officers?
- Role of Bihar State Litigation Policy, 2011 :
 - in settlement of dispute,
 - section 80 CPC,
 - failure to reply within time,
 - concept of Incharge of litigation,
 - person responsible for litigation,
 - Nodal Officer who has to work as bridge between Court, advocate and department ,
 - power of courts hearing litigation under it

- Error or defect in notice u/s 80 CPC – When not fatal. *How interpretation of notice u/s 80 shall be made*
- The plaintiff has served notice u/s 80 CPC and then filed suit. During the pendency of suit the plaintiff wanted to implead new cause of action through amendment. Whether fresh notice is required or not ?
- **A Suit has been filed against Govt. after due service of notice u/s 80 of CPC. The said suit has been withdrawn by the plaintiff U/O 23 R 1 CPC with the permission of court to file fresh suit. Whether prior to file the new suit 2nd notice u/s 80 is required ?**
- Whether any third party other than Govt., public officer can object about notice u/s 80 of CPC ? Concept of waiver of notice u/s 80 CPC
- A notice u/s 80 CPC was served by Plaintiff's father to the Govt. but before the expiration of next two month the father of plaintiff died and then suit was filed by the son without sending notice u/s 80 CPC. *Question raised that whether suit maintainable?*
- Plaintiff has filed suit against state for injunction claiming possession over the disputed land and 2 months prior notice u/s 80 CPC was only given to the state and not to the public officer (BDO) against whose interference injunction was sought. Whether suit maintainable ?
- A notice was sent to the govt. and Suit filed by the plaintiff before expiration of two months next after notice u/s 80 CPC, whether maintainable ?
- Whether court can award cost against state in case of non reply to notice u/s 80 CPC ?
- Whether person issuing notice and person filing the suit must be the same ?
- At what stage objection relating to notice u/s 80 CPC may be raised ?
- What type of order relating to granting leave u/s 80(2) CPC to be passed ?
- Scope and application of Sec 79 CPC.
- Duty of the court in suits against Govt. or a public official to assist in arriving at a settlement.
- Definition of Govt. and Govt. pleader, and meaning of “public officer”.
- What are the circumstances under which a notice under S.80 CPC is not a condition precedent to file suit against the Govt. and public officer?
- Whether notice U/S 80 CPC becomes necessary where Govt. or public officer is impleaded subsequently as a necessary party on amendment of a plaint?
- Whether Vakaltnama is required to be filed by a Govt. pleader?
- What is the effect of institution of a suit before the expiry of two months?
- Meaning of expression – “act purporting to be done in official capacity”- whether the said expression includes any past act of the public officer?
- What will be the duty of court in case of non-compliance of the mandatory provision of notice? Whether plaint shall be rejected or returned?

Topic 7 :-Suits by or against minor or person Unsound Mind

- Procedure for institution of a suit by or against minor.
 - Concept of minor and their guardianship under civil proceedings.
 - Concept of representation of a minor with or without permission of court under different statute – Guardianship Wards Act, Mental Health Act, Other welfare statutes.

- Effect of limitation during the period of minority.
- Procedure to be adopted when a suit is instituted without a next friend or guardian.
 3. Duty of a court when a suit is instituted without next friend.
 4. Duty of a court when it is revealed that the suit instituted on behalf of the minor is not a minor.
 5. Duty of a court when it is revealed that the suit instituted on behalf of the minor is against the interest of the minor.
 6. Meaning of next friend and guardian ad-litem.
 7. Conditions necessary for appointment of guardian adlitem.
 8. Whether the wishes of the minor should be taken into consideration before appointment of guardian ad-litem?
 9. Duties of a next friend or a guardian adlitem.
 10. What are the grounds for removal of a next friend or guardian ad-litem?
 11. What happens of the next friend or guardian ad-litem retires, dies or is removed by the court during the pendency of the suit?
 12. Effect of a decree passed against a minor who is not represented in suit?
 13. What is the course open to a minor on attaining a majority?
 14. Whether a minor co- plaintiff on a attaining majority can repudiate a suit?
 15. Whether court can pass an ex-parte decree against a minor in absence of guardian ad-litem
 16. Fees and remuneration of a guardian ad-litem.
 17. Procedure for instituting a suit by or against a person of unsound mind.
 18. Whether court can call for medical evidence is compulsory?
 19. Whether court can call for medical evidence in this regard?
 20. What procedure should be adopted to determine the unsoundness of mind?
 21. What is the duty of the court when a plaint is presented by a next friend stating that the plaintiff is of unsound mind?
 22. Whether elderly / ailing person can take the benefit of O-XXXII?
 23. Whether the consent of the next friend of guardian ad-litem is mandatory before his appointment?
 24. Whether the provision of O-XXXII is applicable in execution proceeding?
 25. What is the standard of inquiry to determine the unsoundness of mind?
 26. Whether a deaf and dumb person can be treated as person of unsoundness mind?

27. What is the duty of the next friend when the defendant happens to be a person of unsound mind?
28. Whether a next friend or guardian ad-litem can withdraw or compromise a suit without the leave of the court?
29. Effect of a decree passed against a person of unsound mind who is not represented by a next friend.
- 30 . Role of State/ District Legal Services Authority in litigation for or against Minor, Un-sound mind , disabled, mentally ill persons

Topic 8 :- Suit in a representative Capacity

1. What is representative suit? Its definition as laid down in O23CPC.
2. Scope and ambit of 0-1R-8 of CPC. Particularly Role of Court in sending & serving notice and Public advertisement in a Representative Suit, substitution, compromise, withdrawal & abandonment under representative suit
3. Meaning of the term ‘same interest’ /Common interest /Common grievances as contemplated in Order 1 Rule 8
4. Whether the leave of the court is mandatory before instituting a suit in a representative capacity?
5. Whether the leave can be granted after the institution of a suit?
6. Whether notice under R-8(2) is mandatory?
7. Power of the court to direct a person or body of persons to present opinion or to take part in proceeding.
8. Procedure to follow when a representative suit is withdrawn or compromised or the claim is abandoned.
9. Whether a decree passed in a representative suit is binding on all persons on whose behalf the suit is instituted or defended?
10. Representative suit in respect of Public nuisance, wrongful acts and Public charities.
11. **Concept of addition of parties as plaintiff and as defendant in Representative suit and its effect in the suit from the angle of pleading and evidence adoption.**
12. **Concept of Order 1 Rule 8 CPC Vs Order 2 position prior & after 1976 amendment in CPC.**

Topic 9 :- Suit by or against Partnership Firm

1. Order XXX- Procedure for instituting a suit by or against a partnership firm
2. Duty of the pleader to disclose the names of the partners.
3. Procedure for service of summons where partners are sued as partners in the name of their firm.
4. Right to sue on the death of partners- suit between partners
5. If the partnership agreement contains an arbitration clause, whether the suit for dissolution has to be referred for arbitration? If so, under what circumstances?
6. Whether a suit for dissolution if unregistered firm can be filed in court?
7. Concept of Hindu Undivided Family- whether a firm and HUF stand on the same footing- does community used proprietorship firm is a firm within the meaning of partnership firm.
8. Fundamental Principle who shall sue or to be sued under this provision on behalf of the corporation?
 - What shall be place of territorial jurisdiction for corporation? Service on corporation how takes place?
 - Linkage between O10 & Order 29 for the purpose of applicability of S. 89 CPC
 - How substitution, withdrawal, Compromise or abandonment be entertained under such this provision i.e. suit by or against corporation?

Topic 10:- Suit by Indigent persons (O-xxxiii)

1. Who is indigent person?
2. Procedure for instituting a suit by an indigent person.
3. What are the factors to be considered for determining indigency?
4. Procedure for making an inquiry for determining of an indigent person
5. What are the requirements of an application for permission to sue as an indigent person?
6. What are the grounds for rejections of the application?
7. Whether the court can withdraw permission to sue as an indigent person?
8. Whether a person filing a suit as an indigent person is exempted from payment of court fee?
9. What is the procedure when an indigent person fails in the suit?
10. Whether an order refusing a person to sue as an indigent person is final- whether subsequent application lies?

11. *Who are indigent persons under Legal Services Authority Laws? Whether an indigent person as defined under CPC can file a suit by taking resort to the provisions of Legal Services Act without following the procedure laid down in O-XXXIII?*
12. *Latest information provided to the Officers about the Role of Legal Service Authority as to who are indigent person, what benefits be available under law to Indigent Persons and how it be provided to them.*

Important Rulings on the same:-

Afcons Infrastructure Ltd. v Cherian Varkey Construction Co. Pvt. Ltd., (2010) 8 SCC 24

- *Discussion on Bihar Legal Support Society Case AIR 1987 SC 38 – 5 JJ Bench Decision*
- *Discussion on "Francis Coralie Mullin Case AIR 1981 SC 746*
- *Discussion on "Hussainara Khotoon Case AIR 1979 SC 1360, 1369 & 1377*

Topic 11:- Issuance of Process (order –V)

1. Concept of sending & service of summons, notice, show cause, call for report, public notice, General notice, Notice to commission.
2. Writing orders for sending summon, show cause, call for report, public notice, general notice, for advertisement, notice to commission
3. Observance/ perusal of different performa of Summons at a Glance
4. Service of Foreign Summon - 29 CPC, Letter of Request – Section 77 + O5R25, 26 &26-A
5. Summon to defendant.
6. Service of summons when defendant resides in another state
7. Summon to witness
8. Penalty which can be imposed when a person summon fails to appear.
9. Issuance of summon by regd. Post, courier, e-mail etc.
10. Mode of proving that summons were served when summon were issued by regd. Post, courier,, e-mail etc.
11. How and from which date the period of 90 days shall be computed if summons have been sent by Regd. Post and acknowledgment does not return.
12. What is the procedure for substituted service of summons? - Paper publication of summons.
13. Duty of court when summons sent by Regd. Post, returns with postal endorsement “refused”, ”not found”. ‘address insufficient’etc.
14. Summons not accompanying copy of plaintiff. Defendant appears and prays for a copy and claims that period of 30 days for filing W.S. be computed from the date on which copy was furnished. Tenability of such claim.
15. Plaintiff did not take steps summoning defendants courses open to the court under these situations.
16. Presumption U/S 27 of General clauses Act.
17. Service of summons to a person in prison.
18. Essential requisites and contents of summons.
19. Issuances of process for execution of a decree.

20. Summons given to plaintiff for service on defendants.
21. How and What shall be the effect when summons served without plaintiff?
22. What shall be the effect of service of summons after date fixed for hearing?
23. What is the Territorial Limit for issue process O5Rule 4?
24. What defendant(s) supposed to do after receiving summons ?
25. What is substituted service? O5R20
26. Power of court in case of non compliance of Summons order to appear or evidence- Sec 32

Topic 12 :Appearance of parties & Consequences of Non-appearance (IX)

What do you mean by appearance in a suit ?

What are the stages for appearance in suit for plaintiff & defendant ? Is it same for both or different ?

Power of court to dismiss a suit when plaintiff fails to pay cost etc. (O.IX R.2)

Power of a court to dismiss a suit when defendant is present and plaintiff is absent or when both parties are absent.

Power of court to restore such a suit (O.IX R.4)

What is “sufficient cause” vis-à-vis restoration of a suit.

Whether the counsel of a party can file petition for restoration of a suit?

Whether an order for ex-parte hearing passed under O.IX R.7 can be set aside?

Whether a suit can be dismissed on the date of settlement of issues due to absence of plaintiff?

Whether an ex-parte decree can be set aside if sufficient cause is shown?

Whether a stranger to a suit having interest in the subject matter of the suit can apply for setting aside an ex-parte decree under O.IX R. 13 CPC?

Whether fresh vakalatnama is required for the appearance of lawyers who earlier conducted the suit, for his appearance in a restoration proceeding?

Whether non-judicial case like rent deposit cases can be restored under O.IX R.9 CPC?

What is the procedure when the defendant who admitted the claim of the plaintiff either in part or in full appears and the plaintiff does not appear on the day fixed for hearing (O.IX R.8)?

Meaning of “good cause” and “sufficient cause” employed in R.7 and R.9 respectively.

Whether an appeal against ex-parte decree and an application under O9R13 CPC are maintainable simultaneously?

Whether an appeal from the original decree can be filed against any decree or judgment or any adverse finding? What shall be effect if no appeal has been preferred against the any adverse finding?

Topic 13:- Production and Filing of Documents

- Purpose & mode of Production and filing of document in Civil Justice System
 - Distinction between production of document u/o 7Rule 14, u/o 8R1A & order 13R1

- Acceptability of document which came to the knowledge of the parties after stage of Order 13, between Order 13 to order 18, after O18R4 i.e. closing of evidence but prior to judgment even with due diligence whether acceptable ? Whether section 5 of the limitation shall apply in it for condonation of delay?
- Discussion on acceptability and non acceptability of a document Vs relevant provisions relating to Indian Evidence Act

Topic 14:- Discovery and Inspection

- What is discovery by interrogatories & discovery by document?
- Illustrative methods showing discovery by interrogatories & discovery by documents?
- What are the evidentiary value of the discovery by interrogatories & discovery by document for the person who has demanded it and who has provided it, whether it deem to be an acceptance of a person who has provided or he has right to rebut on the same at the stage of evidence? With provisions of Indian Evidence Act

Topic 15:- Farming of Issues

- What are issues ? Does it mere a controversial questions of the pleadings or those questions when answered be in a position to resolved the controversies ?
- What are the important matters necessary to be looked into or to be searched or to be identified in the records of the case to frame Issues?

Topic 16 :- Adjournments

- Time lag as provided under different stages of Civil Proceedings
Institution of suit □ Adm□7days for process O9R2 □ Issuance of Summon (30days) O9R5 □ Appearance & filing WS (30/90days) O5R1 & O8R10 □ Application of S. 89 CPC + O10 □ State of O11 or 12 if any (20-25 days) □ Production of documents O13 □ Framing of Issue O14 □ Summoning & attending witnesses O15 [15 days in R1] □ List of witnesses [5 days in R1(4)] + Expense to be paid in 7 days (o15R2) □ No adjournment for more than 3 dates at one stage □ O18R1 right to begin □ In case of commissioner (time is 60 days) + O26 □ Time taken in evidence □ argument + □ Judgment within 30 days from the date of finish of the argument
- A comparison of adjournments under CPC & Bihar State Litigation Policy 2011

Topic 17 :- Admission

- Concept of Admission, Rejection & Return under Civil Procedure.

- Effect of Admission of Pleat, Admission of pleading, Admission of a fact, law & mixed question of facts & law.
- Different types of admissions recognized under CPC
 - In Pleading (O. 7 & 8); Expressed in pleading (O7R11 + O11R22)
 - Constructive pleading (O8 R3,4 & 5 + O12R2-A); During examination by court (O10 R1 & 2); In answering discoveries (O11 8 & R23); On notice (O12 R4)
 - By agreement of Parties (O23 R3); Admission of documents (O12 R2)
 - Section 58 of Indian Evidence Act Facts admitted need not be proved à O12 deals about admission by notice.

Topic 18 :- Withdrawal of Suits

- Concept of abandonment of a suit, part abandonment of a claim in suit , & withdrawal of a suit simply without permission of court and with permission of court □ With illustration of different nature of suits which are mostly used to be filed in the courts of Bihar -
- What court has to consider at the time of applying the said principles in – General suit, Representative suit, Interpleader suit, Partition Suit, declaratory suit, Possessory suit, suit for contract, suit for specific performance of contract etc.

Topic 19:- Commissions

- Precautions to be taken by the court at the time of passing order appointing commission, so that there be no scope for the commissioner to do unnecessary acts beyond the direction and which may delay the trial process.
- Various types of orders issuing commission for different purposes illustrations with case study.

Topic 20:- Death of Parties

- Meaning of the word right to sue survives under O22 CPC, Section 37 of the Indian Contract Act 1872 and Section 306 of Indian Succession Act, 1925- as well as in the matter of tort, partition, Companies Act, Guardianship, Motor Vehicle, Partnership, Limited ownership, right of reversioners, religious endowment Act , in joint Hindu Family, in rendition of account, eviction matter, execution matter,.
- Concept of abatement due to death of party, due to change in law, due to enactment of new law, due to change in jurisdiction and its revival comparison with abatement under BLDRA 2009.

- Concept of partial abatement

Topic 21:- Arrest & Attachment before Judgment

- Process of civil prison. Different types of orders passed by a Court prior to order for civil prison. What are the points which are necessary to take care of prior to civil prison.
- Persons who are exempted from the order of Civil prison. Circumstances which may stop the process of civil prison.

Topic 22 :- Injunction

- Injunction necessary concept for every procedure i.e. CPC, Cr.P.C., Arbitration and conciliation, specific relief, insolvency laws.
- Whether the philosophy of granting injunction are different in different type of cases or common principle is applicable universally
- Injunction by one party to other party, by one plaintiff to another plaintiff, by one defendant to another defendant, by one party to the suit to the stranger, by the stranger to a person party to the suit,
- Distinction among stay, injunction, receiver and status-quo

Topic 23:- Judgment & Decree

- After amendment of 2002 in CPC what is the importance of written argument ?
- Prior to amendment of 2002, it was necessary to indicate in the last paragraph of the judgment “the relief which has been granted by such judgment as then was indicated under order 20 Rule 6 A”, but what shall be the effect on the judgment when this provision has been omitted and new provision has come.
- Judgment of counter claim, set off and cross suits, cross objections

Topic 24 :- Inherent Power of Court

- Use of power u/s 151 CPC in comparison with 482 Cr.P.C. plus order 41 Rule 33.
- Some of the illustrative examples of (A) Prevention of abuse of process of the Court (B) Orders for the ends of justice.

Topic 25:- Review & Revisions

- Position of Revision in Bihar after amendment in CPC in the year 2002
- Sending notice in every Review petition whether necessary, What are its exceptions? Whether a compromise decree can be reviewed? If yes, under what circumstances? Whether Resjudicata applied in Review petition?

Topic 26 :-Appeal including appeal against Orders

- Whether concept of Rejection, returning and admission in suit and in appeal are same?
- Whether stay in the suit and stay in appeal are same? If not, what are the distinctions?
- Difference between appreciation of issues in the original court and in the appellate Court.
- Whether principles of order 14 Rule 5 and the principles laid down in order 41 Rule 23, 24, 25, 26 are same ? If not, what was the basic difference?

Topic 27:-Misc. Topics under CPC- Applicability of Section 89

1. Whether in the presence of two orders dated 27.11.2013 and 16.01.2014 passed by the Hon'ble Patna High Court in LPA No. 1923 of 2011 (Nawal Kishore Prasad Singh and another Vs State of Bihar) and LPA No. 233 of 2013 (Srinivas Rai Vs Mahendra Rai and others) left any scope for the trial courts to refer the matter u/s 89 CPC or not?
2. *Afcons Infrastructure Ltd. v Cherian Varkey Construction Co. Pvt. Ltd., (2010) 8 SCC 24*
3. *Discussion on Bihar Legal Support Society Case AIR 1987 SC 38 – 5 JJ Bench Decision*
4. *Discussion on "Francis Coralie Mullin Case AIR 1981 SC 746*
5. *Discussion on "Hussainara Khotoon Case AIR 1979 SC 1360, 1369 & 1377*

Civil Minor Acts

COURSES FOR IN SERVICE TRAINING OF JUDICIAL OFFICERS

(THE TRANSFER OF PROPERTY ACT)

- What is transfer of property?

- What is the meaning of living person?
- Whether the definition of immovable property in Section 3 of the Act is exhaustive?
- Whether auction sale in execution of decree is a transfer by operation of law?
- Whether “actionable claim” can be transferred?
- Whether oral transfer is legal as per the Act?
- What is a family arrangement? Whether it is final and binding on the parties to the settlement?
- Whether surrender deed by a life tenant in favour of a remainder man is a transfer?
- What may be transferred?
- Who can transfer?
- Meaning and essentials of valid attestation
- Whether property can be transferred with the condition restraining alienation? Can there be any clause in a sale deed, prohibiting further sale?
- What restriction shall not apply in case of a transfer of property as provided u/s 18 of the Act?
- Transfer for the benefit of unborn person
- What is “rule against perpetuity”? Whether the restrictions in Sections 14, 16 and 17 of the Act have any application in transfer in perpetuity for the benefit of the public?
- Vested interest is the said interest heritable – interest of life estate holder – when unborn person acquires vested interest on transfer for his benefit?
- When does a person acquire contingent interest in any property?
- When does a contingent interest become a vested interest?
- What are the factors for determination of contingent interest?
- Whether option to the lessee to seek renewal of the lease is affected by the rule against perpetuity?
- When can a conditional transfer fail?
- Transfer by ostensible owner – essentials meaning of bona fide purchaser – Benamidar and Section 41 of the Act – Applicability of Doctrine of Advancement in India
- Whether the transfer by ostensible owner shall not be voidable?
- Whether a transferee of immovable property is entitled to recover for the improvements on the property made by him as bona fide holder under defective title?
- When can an immovable property, which is directly and substantially involved in a suit, be transferred by any party to the suit?
- Doctrine of “lis pendens”
- Election – when necessary- mortgage and doctrine of election – election under a will
- At whose option any fraudulent transfer of immovable property shall be voidable?
- Fraudulent transfer – Sham transactions
- Part performance of contract – equitable doctrine – agreement and sale by the manager of Hindu Joint Family – the right can only be used as a shield, not as a sword
- Whether plea of part performance can be raised in absence of written contract?
- Sale how made – essentials possession can be actual or constructive – consideration – rights and liabilities of buyers and sellers
- Marshalling by subsequent purchaser
- Mortgages – different kinds of mortgages – redemption and clog on redemption
- Distinction between mortgage by conditional sale and sale with condition to repurchase
- The maxim once a mortgage, always a mortgage – mortgagee cannot by unilateral act

- change character of his possession into adverse – mortgagor’s power to lease
- Right of the mortgagor to foreclosure of sale
 - Doctrine of subrogation prohibition of tracking
 - Distinction between charge and mortgage essentials of charge – merger in case of subsequent encumbrance
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- Distinction between lease and license – lease how made – rights and liabilities of lessor and lessee lease not a mere contract but transfer of interest in immovable property – the document of lease containing a clause of renewal – lease and adverse possession
 - Scope and ambit of Section 106 of the Act – Whether issuance of notice u/s 106 of the Act is mandatory before instituting a suit for eviction of a tenant under provisions of Assam Urban Areas Rent Control Act – determination of leases
 - Tenant at will- tenant holding over
 - Waiver of forfeiture – relief against forfeiture – effect of forfeiture and surrender on under-lessee
 - Essentials of exchange – how it is made
 - Essentials of valid gift – transfer how effected acceptance when to be made – presumption of acceptance – gift of future property is void – when gift may be suspended or revoked
 - Property of deceased judgment – debtor transferred by his legal heirs without knowledge of execution and prior to appointment of Receiver. Whether subsequent auction sale of property will be valid?
 - Agreement to sell executed along with an agreement for repurchase within specified period and possession of property continued subject to payment of rent to the purchaser – whether the transaction is a mortgage?
 - Whether a gift to a concubine for past cohabitation is valid?
 - Whether annual patta land can be transferred?
 - Reliefs available to a person who purchased annual patta land but subsequently the patta is cancelled, by revenue department
 - Whether the right of preemption can be invoked by any person irrespective of religion?
 - Whether a Muslim can make a gift to a Hindu person, if so, whether registration will be compulsory?
 - Meaning of “things imbedded in the ear”
 - Whether a “gumti” is an immovable property?
 - What is the condition restraining alienation?
 - When can interest created to a class or series of persons, some of whom do not exist be valid?
 - Whether vested interest is defeated by the death of the transferee before he obtains possession?
 - When shall the direction for accumulation be void?
 - Whether right to receive maintenance or provision for advancement of marriage from the profits of immovable property may be enforced?
 - Whether the plea of “lis pendens” can be raised in second appeal?
 - Whether the doctrine of “lis pendens” has application to a transfer in recognition of a pre-existing right?

- Transfer where third person is entitled to maintenance
- Power to revoke transfer
- Improvement made by bona fide holders under defective titles
- Mohammedan gift – lands gifted as dower
- Whether contract to transfer creates any interest in favour of the vendee?
- When a person is having physical control over the property by virtue of any agreement of sale, whether he acquires any interest therein
- Law of pre-emption vis-à-vis Mohammedan law.

BENAMI TRANSACTION (PROHIBITION) ACT

Definition of “Benami transaction property”. Various kinds of Benami transactions which are recognized by the Courts in India under the Act. Protection of properties purchased in the name of wife and unmarried daughter

Distinction between real benami transaction and sham transaction

Whether a civil court can entertain a suit if the same is for recovery of benami property?

What are the defences available to persons who purchased property benami?

What are the various exceptions to Section 4 of the Act?

Whether the provision of Section 4(1) of the Act has retrospective effect and applies to pending suits filed and entertained before coming into operation of the Section?

Whether the execution of a decree passed before coming into force of the operation of Section 4 of the Act can be challenged in execution proceeding?

On whom does the onus and burden of proving benami transaction lie?

Whether a sale-deed in the name of the son will be benami if the consideration is paid by the father?

Whether a person holding a benami property can claim right of adverse possession?

Whether the other legal heirs can demand for share/partition in a property purchased in the name of a particular son/daughter by their predecessor in interest?

Meaning of the word “provided” in Section 2 of the Act?

Tools of disposal of suit at an earliest stage-disposal of suit at first hearing as u/o 15 CPC

How to dispose old pending suits

Classification of records

The arrangement and preparation of records during the trial

Maintenance of order-sheet

The transmission of records to the District Record Room and disposal of records not so sent

District Record Room, receipt and arrangement of records

Procedure for destruction of records

Inspection of record

Reconstruction of Civil Court records and registers destroyed or damaged by fire.

COURT FEES AND SUIT VALUATION ACT

- What is the purpose and objects of these two acts?
- Whether ad-valorem court fee is required to be paid in money suits?
- Computation of court fee in a partition suit involving joint family property
- Whether a plaintiff is at liberty to give any valuation in a declaratory suit?

- Computation of court fee in a declaratory suit with a consequential relief
- Whether a consumer of electricity can file a declaratory suit for cancellation of electricity bill simply paying declaratory court fee only?
- Computation of court fee in a suit for specific performance, redemption suit, in a suit for eviction involving landlord-tenant
- Whether ad-valorem court fee is required to be paid in a suit for cancellation of an instrument and recovery of khas possession?
- What are the general rules for computation of court fee payable in a suit?
- Distinction between valuation for the purpose of jurisdiction and valuation for the purpose of court fee?
- Basis of computation of court fee in appeal
- Meaning of multifarious suit and Computation of court fee in such suit
- What is the procedure to be followed by a court when there is dispute as to the payment of court fee?
- Procedure for refund of court fee
- The scope and ambit of S-4 & 8 of the Suit Valuation Act
- Power of the court to make up deficiency of court fees
- Whether a court should reject a plaint if it is undervalued?
- What is the meaning of Definite Estate, land vis-à-vis Court Fee Act?

INDIAN CONTRACT ACT

- Essential requirements of a contract – effect of coercion, undue influence, fraud and misrepresentation
- Whether offer can be made and accepted through telephonic conversation, e-mail, Fax, etc?
- Whether a contract by a minor representing as major is void? Free consent vis-à-vis a document executed by a pardanashin lady
- Meaning of doctrine of privity of contract
- Whether the doctrine of privity rule is subject to certain exception?
- Contract against public policy, restraining marriage, trade, legal proceeding
- Doctrine of frustration of contract
- No consideration no contract-exception to this rule
- Time as an essence of contract
- Consequences of breach of contract-damages etc
- Liquidated and unliquidated damages
- Whether a suit for realization of damages as per Sec 73 of the contract Act is maintainable?
- Powers and limitations of court in regard to invocation of bank guarantees
- Guidelines of Hon'ble Supreme Court and High Court vis-à-vis Bank guarantee
- Whether usufructuous mortgage is a contract within the meaning of Sec 2(4) of the Contract Act?
- Duties of Principal and agent
- Whether the act of an agent can be rectified when it is done without the authority of the Principal?
- What is contract and what agreements are contract?
- Meaning of the term 'consensus ad idem'

- Whether a person contracting second marriage by suppressing the fact of first marriage is a fraud within the meaning of Sec 17 of the contract Act?
- Whether an agreement between the parties conferring Jurisdiction upon a court having no jurisdiction is hit by Sec 28 of the Contract Act
- Meaning of Earnest money
- What are Banker's lien and Attorney's lien?
- Who may employ agent?
- Sub agent – delegation of agency
- Circumstances when agency can be revoked

THE INDIAN PARTNERSHIP ACT

- Meaning of partnership, firm, property concern; difference between partnership and co-ownership
- Principles and elements required to determine the existence of partnership
- Sleeping partner
- Dissolution of partnership – various modes of dissolution
- Whether the members of a Hindu Undivided family carrying on a firm business are partners in such business?
- Agreement in restraint of trade
- How the sale of goodwill of a firm is to be affected after dissolution?
- Whether the partner of an unregistered firm can enforce any right to sue for dissolution of a firm and/or for accounts of the firm?
- Whether the heir or legal representative of deceased partner automatically becomes a partner in the firm? What are his rights?
- What will be the status of the property/assets left by a deceased partner?
- What is meant by suit for rendition of accounts?
- Insolvency of a partner – its consequences
- Rights where partnership contract is rescinded for fraud or misrepresentation
- A suit filed for dissolution of Unregistered Partnership Firm – The Partnership Deed bears Arbitration clause – Whether the dispute can be referred to Arbitration by invoking the provision of S. 8 of the Arbitration & Conciliation Act, 1996?
- Representation of a partner who is a minor
- Duties of partners
- Relationship of partners with third party
- Registration of firm – effect of non-registration
- Partnership at will
- Whether the mutual rights and duties of the partnership will remain the same when a change occurs in the constitution of the firm?
- Whether each and every act of a partner binds the firm? If not, under what circumstances? What is meant by implied authority?
- Ingredients for the liability of the firm for the acts of its agent of partner
- Rights of transferee of a partner's interest
- Provisions relating to minors in respect of partnership
- Whether a retired partner will be liable to any third party who deals with the firm without knowing that he was a partner?
- How a partner of a partnership firm can dissolution?

- On what grounds a firm maybe dissolved by the Court?
- Modes of settlement of accounts between the partners
- Modes of giving public notice under the Partnership Act
- Partnership Act vis-à-vis Order XXX CPC, who can sue and be sued? Whether substitution of legal heirs/representatives of a deceased partner to the suit is necessary? Whether such heirs/representatives can apply to be made parties to enforce their claims?

THE SALE OF GOODS ACT

- Documents of which registration is compulsory and of which optional
- Effect of non-registration of documents in which registration is compulsory
- Value of an unregistered document
- If the registrar or deputy registrar refuses to register any document whether civil suit lies?
- If a person has got land in two plots within the jurisdiction of two different sub-registrar offices, whether the said person can transfer his entire or part of the land of two plots within the jurisdiction of anyone of the sub-registrar offices?
- Whether compulsory registration is necessary in case of compromise decree comprising immovable property?
- Is registration of a deed of lease for period of five years compulsory?
- As per family arrangement of an immovable property of A made in 1970 has been possessing one acre of land for more than 12 years in land holder right. Is registration of that deed of memorandum compulsory?
- By a testamentary instrument A has declared that after his death his brother-in-law B will become owner of his (A's) one acre of land and RCC building standing thereon. Is registration of that instrument compulsory?
- Whether attestation is necessary in registered sale deed?
- Difference between consideration and market-value.
- Whether registration is invalid if NOC is not obtained from the office of the Dy. Commissioner?
- Time within which a document (other than will) is to be presented for registration after its execution by the executant
- Circumstances in which registration of any will not connected with adoption?
- Whether sub-registrar has right to refuse the order of refusal of registration by the sub-registrar refuses to register a deed what alternate remedy is available?
- Writing is not essential for a valid gift under Mohammedan Law. A Muslim gentleman made a gift of his land first orally in favour of his son and subsequently reduced the gift in writing. Whether the gift is required to be registered under Section 17(1) of the Act?
- Whether registrar and sub-registrar can be termed as Court?
- Under what circumstances a Judge of District Court can act as registrar?

BIHAR RENT CONTROL ACT

- Definition of landlord & tenant
- Whether a tenant in possession after expiry of the lease-period can be called a tenant?

- Determination of tenancy
- Meaning of “Statutory Tenant” and its difference with “Contractual Tenancy”
- Distinction between “Standard rent” & “Fair rent”
- Mode of fixation of Standard Rent
- Procedure to be followed for fixation of fair rent by the Court – whether a plaint or a petition to be filed for this purpose
- Various grounds on which an order of eviction can be passed against the tenant
- Meaning of “Defaulter”
- Protection available to a defaulter-tenant
- (a) “Bona fide requirement” and necessity of its existence on the date of final decision as a precondition for passing of a decree in favour of the landlord – whether future need is a good ground;
 - (i) Whether a compromise decree simplicitor for vacating the tenanted premises is executable
 - (ii) Subsequent defaulters during pendency of a suit
 - (a) Concept of “Once a defaulter, always a defaulter”,
 - (b) Relief available to a tenant who defaulted during pendency of the suit
- Duties of tenant & landlord
 - (a) Modes of discharge of such duty by the tenant, particularly regarding payment of rent;
 - (b) Liability of the landlord with respect to the provisions u/s 6 & 7
- Recourse available to the tenant on refusal to accept rent by the landlord (Deposit of rent to the Court) (b) Proper Court for the purpose; (c) Whether the Court can refuse to permit such deposit of rent; (d) Whether the tenant is liable to offer rent to the landlord even when the relation between them is so strained that the tenant has reasons for apprehension that he is likely to be manhandled by the landlord; (e) Whether such deposit can be legally made in advance in absence of any such contract; (f) Effect of withdrawal of rent by the landlord, particularly in the light of the provisions u/s 113 of T. P. Act
- Modes of payment of rent
 - (a) Different modes generally;
 - (b) Payment by cheque or money-order
- Whether second Appeal lies
 - (a) Whether the expression “shall be final” in Sec. 8 bars filing of a Second Appeal
- Whether title can be decided in a suit between landlord & tenant - General discussion
 - (a) Whether the plea of Adverse Possession taken by the tenant is tenable in a suit under this Act.
- Aims & objects of the Act
 - (a) Who is Landlord?
 - (b) Whether one of the legal heirs of the original landlord is a landlord?

- (c) Whether a trustee to a “Sangh” receiving rent on behalf of the “Sangh” can be treated as a landlord?
- (d) Whether a clerk entrusted with collection of rent & management of the property can be treated as a landlord?
- (e) Whether a ‘Muttawali’ receiving rent as a Receiver appointed by the Court for an undivided property can be treated as a landlord?
- (f) Whether a juristic person can be treated as a landlord?
- (g) Whether the legal heir of a deceased tenant can be called a tenants when death of the tenant occurred during continuance of the lease-period?
- (h) Whether the son/married daughter of a deceased tenant, who was living separately at the time of death of the tenant, can be called a tenant?
- (i) Relationship between a landlord & a tenant
- (j) Meaning of “Tenant at will”
- (k) Leased property damaged by accidental fire or storm – effect on tenancy.
- Standard rent –
 - (a) Meaning of “Standard Rent”
 - (b) Whether electrical & water charges not separately mentioned in the agreement can be treated as included in the rent agreed upon?
 - (c) Definition of “Pucca structure”
 - (d) Meaning of “Urban area”
- (a) Factors to be considered for fixation of standard Rent
 - (b) Whether a Standard Rent can be re-fixed by the Court before expiry of the prescribed period after its fixation on the ground of changed circumstances;
 - (c) Who can move the Court for fixation of fair rent in respect of the leased premises?
 - (d) Whether the tenant under an agreement to pay a particular amount as rent can move the Court for fixation of fair rent
 - (e) Proper Court for fixation of fair rent
 - (f) Various criteria for fixation of fair rent
- Bar against passing & execution of a decree against a tenant –
 - (a) Effect of transfer of ownership of the leased premises;
 - (b) Whether bona fide requirement arising for the first time at the time of appeal can be considered by the Appellate Court
 - (c) Right of tenant to re-possession of the vacated premises – in what situations? (d) Whether the tenant has any preferential right in respect of sale of the tenanted premises – discuss in the light of the parties personal law

- Grounds for eviction of a tenant:-
 - (a) Grounds generally;
 - (b) Whether notice to the tenant necessary before a suit for eviction;
 - (c) Whether a suit filed by a Mutawalli for eviction from a Wakf-property is maintainable.
- When rent is said to be due –
 - (a) Rent paid by the tenant as per convenience after its falling due and accepted by the landlord without objection like in the earlier occasions. Can the landlord take advantage of such default on the part of the tenant?
 - (b) What makes a tenant defaulter?
 - (c) Whether a landlord is bound to repair the tenanted house even when the tenant has defaulted in payment of rent
 - (d) Situations in which the tenant can deposit rent in the Court
 - (e) Whether the landlord can object to such deposit of rent
 - (f) Procedure for such deposit of rent;
 - (g) Rent deposited in the Court by the sub-tenant & withdrawn by the landlord – effect of;
 - (h) Effect of deposit of rent in the wrong (improper) Court
- Duties of landlord –
 - (a) Duties generally;
 - (b) Remedies available to the tenant when the landlord fails to discharge such duties;
 - (c) Whether a mandatory injunction can be issued for failure to discharge the duties u/s 6 of the Act.
- Section 116 of the Evidence Act:-
 - (a) Rule of Estoppel---concept of;
 - (b) Whether denial of landlord's title is a ground for Forfeiture;
 - (c) 'Mutually of Estoppel'

MUNICIPAL ACT

- Scope of the provision u/s 326 of the Act (a) Compliance whether necessary in every case; (b) Institution of suit or the other legal proceedings against the Municipal Board or its officers or the persons acting under its direction with reference to Sec 326 of the Act – ingredients of a valid notice u/s 326.
- Whether Civil Court has jurisdiction to entertain matters arising out of non-compliance of the provisions of the Act by the Municipal Board (Sec 327).

- Jurisdiction of Civil Court to entertain a reference against the order of compensation Passed by the Deputy Commissioner or any officer authorized by him [Sec. 328(2)]
- Whether the Chairman has authority to bring a suit without impeding the Board
- Power of a Judge holding inquiry into the Election under the Act and the procedure to be followed for such inquiry.

MUNICIPAL CORPORATION ACT

- Scope of Sec. 414 of the Act – Notice – Whether such notice is required in injunction – matters only.
- Jurisdiction of the District Judge to entertain matters arising out of election held under the Act (Sec. 62/63)
- Bar to the jurisdiction of a Civil Court (Sec. 341)
- Scope of the Ss. 396-403

CONCEPT OF ADVERSE POSSESSION

- Article 65 of the Limitation Act –
 - (a) Scope of the provision
 - (b) The three requisites for proving Adverse Possession
 - (c) “possession is hostile” – discuss
- Principles of Adverse Possession –
 - (a) Principles generally
 - (b) “Adverse Possession implies that it commenced in wrong and is maintained against right” – Discuss
 - (c) When the plea of Adverse Possession is unsustainable
- Proof of Adverse Possession –
 - (a) Whether a plea of Adverse Possession can be taken by a tenant of a displaced person;
 - (b) Whether the permissive occupier of a house can subsequently take plea of Adverse Possession
 - (c) Whether the plea of Adverse Possession can be taken against the true owner who is under disability and incapable of suing
 - (d) Burden of proof of Adverse Possession
- Adverse Possession amongst co-sharers –
 - (a) when the plea of Adverse Possession can be taken against a co-sharer
 - (b) Meaning of “ouster” in the context of Adverse Possession
 - (c) Under what circumstances a co-sharer’s possession can be presumed to be adverse to the other’s
 - (d) Adverse Possession between a stranger and co-sharer
- Adverse Possession against a minor or lunatic –
 - (a) Whether a claim of Adverse Possession against a minor is maintainable
 - (b) Whether a father can acquire Adverse Possession of property against his minor son;
 - (c) Transferee’s Adverse Possession against a minor creditor
 - (d) Whether a claim of Adverse Possession against a lunatic is maintainable
- Claim of Adverse Possession against Govt. – land & wakf-property

- (a) When tenable
- (b) Adverse Possession against wakf-property & the law of limitation.
- Essentials for basing title on Adverse Possession –
 - (a) Ingredients to be proved to establish Adverse Possession;
 - (b) Whether mere permissive possession of the plaintiff entitles him to claim Adverse Possession subsequently;
 - Whether a symbolic possession given to a party can give rise to Adverse Possession.

BIHAR LAND CONTROL ACT

- Preparation of the Record of Rights –
 - (a) What is “Jamabandi”, “Chitha”, “Chitha-mutation” & “Field-mutation”,
 - (b) What is “Annual Patta” – whether it can be cancelled
 - (c) Rights of Annual Patta holder
- Value of entries in the Record of Rights –
 - (a) Whether such entry can create title
 - (b) Legal implications of entries in the Record of Rights
 - (c) Legal implications of entries in the Record of Rights in the absence of possession
 - (d) Whether such entry can create any statutory right
- Annual Patta land –
 - (a) Legal implications of Annual Patta as to the rights of such Patta –holder
 - (b) Whether Annual Patta land can be transferred by the way of sale, mortgage or otherwise
 - (c) Death of an Annual Patta holder before expiry of the lease-period – affect of; (d) Non-renewal of Annual Patta by the Govt – effect of
- Perfect and imperfect partition –
 - (a) Necessity of having possession & title for making partition
 - (b) Whether the suit land can be transferred during pendency of a partition suit – importance of notice to the co-sharers
 - (c) What is a revenue paying estate
- Bar to take cognizance by Civil Court :-
 - (a) Whether Sec 154 bars a Civil Court to entertain A declaratory suit;
 - (b) Whether a civil suit challenging Ejectment notice is maintainable
 - (c) Whether the ba u/s 154 is absolute in nature regarding the matters exempted.
- Assessment of land –
 - (a) Purpose of assessment
 - (b) What land comes under the preview of assessment for the purpose of revenue (c) Land exempted from assessment
 - (d) Concept of alluvion & deluvion
 - (e) Factors taken into consideration for making entry in the Record of Rights
- (a) On what consideration an Annual Patta is issued?
- (b) How can a Annual-Patta be converted into a Periodic Patta?
- Cancellation of Annual Patta –
 - (a) Non-payment of revenue as a ground for cancellation;
 - (b) Significance of possession over a Annual Patta land
- Distinction between perfect and imperfect mutation.

LIMITATION ACT

- Object of the limitation Act
- Sec 29 Limitation Act – a legislative shorthand
- Acquisition of easementary right by way of prescription
- Construction and applicability of the various provisions of the Limitation Act
- Duty of court even when limitation is set up as defence
- Meaning of institution of suit and proper presentation as per sec. 3(n)
- Whether period of limitation can be curtailed by way of agreement – enforceability of such agreement?
- Question of limitation – a mixed question of law and fact
- Scope of Sec 21 of the Act for addition of parties – effect of substitution
- Extinguishment of right of property – sec 26 & 27 of the Act
- Exclusion and computation of period of limitation
- Acknowledgment its meaning and effect vis-à-vis Limitation Act

THE SPECIFIC RELIEF ACT

1. Recovery of specific immovable property: –
 - (a) Who can sue for it?
 - (b) Broad aspect of the meaning of “entitled to possession”;
 - (c) Dominant considerations in a suit for recovery of specific immovable property;
 - (d) Meaning of “better title”;
 - (e) Law of limitation in a suit for recovery of specific immovable property;
 - (f) Scope of Sec. 110 of the Evidence Act in a suit for recovery of specific immovable property.
2. Suit by the person dispossessed of immovable property:–
 - (a) Whether a person aggrieved by an order passed u/s 145 Cr. P.C. can file a suit u/s 6 of the Specific Relief Act without preferring a Revision against the order,
 - (b) Whether possessor of a Khas land has remedy u/s 6 of the Act when he is dispossessed by any person other than the State;
 - (c) Whether possessor of a Khas land has remedy u/s 6 of the Act against the State when he is evicted by the State.
3. Scope of Section 6:–
 - (a) Who can sue when neither plaintiff nor defendant has title to the suit-property;
 - (b) Whether a suit for recovery of possession of intangible property e.g. benefit arising out of a land is maintainable u/s 6;
 - (c) Distinction between the provisions u/s 5 & 6 of the Act
4. When specific performance of contract is enforceable and non-enforceable:–
 - (a) Requisites of a valid contract;
 - (b) Meaning of “Readiness to perform” & “Willingness to perform”—difference between;
 - (c) Applicability of the doctrine “*lis pendens*” in a suit for specific performance of contract to sell immovable property,
 - (d) Whether a suit for recovery of money can be treated as a suit for enforcement of a contract;

- (e) Whether a suit for specific performance of contract is maintainable where damages is adequate remedy.
 - (f) Scope of the provisions u/s 16 of the Act;
 - (g) The conduct of the plaintiff which entitles & disentitles him to the relief by the way of specific performance of contract—whether delay in instituting to waiver.
5. Against whom and in whose favour specific performance of contract may be enforced?
6. Rescission of contract and cancellation of instrument:—
- (a) Circumstances in which a contract can be rescinded by the Court,
 - (b) Kinds of misrepresentation;
 - (c) “Misrepresentation is a matter of fact”—explain;
 - (d) is innocent misrepresentation a ground of rescission of contract?
 - (e) Whether rescission of contract can be obtained by a defendant in the same suit;
 - (f) Distinction between rescission & cancellation;
 - (g) Right to rescind a decree
7. Scope of Sec. 34 & 35:—
- (a) Essentials for maintainability of a suit u/s 34;
 - (b) Whether a suit for mere declaration in respect of right arising out of a contract is maintainable;
 - (c) Whether a suit lies for mere declaration on a question of law;
 - (d) Suit for declaration by a Reversioner;
 - (e) Whether a suit for declaration that the order of dismissal of plaintiff from his govt.-service is illegal is maintainable;
 - (f) Whether a suit for declaration in respect of a customary right is maintainable.

THE INDIAN EVIDENCE ACT

- The meaning of fact, fact in issue, relevant fact and document.
- Appreciation of evidence in civil cases.
- Meaning of preponderance of probability.
- Admission in a civil proceeding.
- Value of admission.
- Admission in pleadings.
- Proof of admission.
- Whether admission is the conclusive proof of the matters admitted?
- Scope and ambit of 8-32 of Evidence act except dying declaration?
- Evidentiary value of entries made in books of account.
- Relevancy of entries made in public record.
- Relevancy of statements in maps, charts and plans.
- Relevancy of character in a civil proceeding.
- Meaning and value of judicial notice.
- Facts of which court must take judicial notice.
- Direct and hearsay evidence.
- Hearsay evidence when admissible.
- Primary and secondary evidence.
- Cases in which secondary evidence relating to documents may be given.
- Modes of proving execution of a document.
- Scope and ambit of S.–73 of the Evidence act.

- Public and private documents.
- Whether certified copies of public document are admissible in evidence?
- Whether a sale deed is a public document?
- Presumptions-rebuttable and irrebuttable presumptions.
- Presumptions as to genuineness of certified copies, gazettes, newspaper, private Acts of parliament, maps or plans made by the authority of Government, power of attorney, certified copies of foreign judicial records.
- Presumption in respect of a thirty years old document.
- Meaning of proper custody vis-à-vis S.-90.
- The scope and ambit of S. 91 & 92 Evidence Act.
- Presumption in respect of a person who is missing for last seven years and his whereabouts is not known.
- Whether a suit for a declaration that a person is dead basing on this presumption is maintainable?
- Presumption as to the legitimacy of birth of a child.
- Meaning of “Access” appearing in S. 112.
- Presumption U/Sri 114 Evidence Act which relates to a civil proceeding.
- Estoppel and promissory Estoppel.
- Various types of Estoppel.
- When Promissory Estoppel be withdrawn?
- Distinction between Estoppel, Waiver and Acquiescence?

EXECUTION SUBSTANTIVE

- Definition of Court, which passed a decree.
- Courts by which decrees may be executed.
- Transfer of decrees and powers of the executing Court in relation to transferred decrees—execution in another State within India and in places outside India.
- What is “Reciprocating territory—Execution of decree passed by Courts in Reciprocating territories?”
- Precepts.
- Questions to be determined by the Court executing a decree—parties to and nature of questions which relate to execution, discharge or satisfaction of the decree—Bar of separate suit—Executing Court cannot go behind and/or beyond the decree—Exception if any there to.
- Rights and liabilities of a transferee of a decree.
- Does the decree become in-fructuous if the Judgment debtor dies before execution?
- Different modes of execution.
- Restrictions in execution by arrest and detention in Civil prison.
- Limitation to attachment in execution and consequences of attachment.
- Distribution of assets.
- Restitution—Section 144 CPC—Bar of separate suit.

EXECUTION—PROCEDURAL AND ORDER XXI CPC

- Limit of time for Execution.

- Procedure on receiving application for execution-amendment of the application for execution—effect of amendment on limitation—should the application for execution be accompanied by copy of the judgment and/or the copy of the decree—who can apply for execution of the decree—Notice of application for execution when necessary—consequences of failure of the judgment debtor to respond to a legally required notice.
- Executions of cross decrees.
- Process for execution.
- Payment under a decree—compromise or adjustment of a decree-Procedure.
- Stay of Execution—Statutory stay—Stay by the Court that passed the decree—by the transferee Court—by the appellate or revisional Court stay when becomes effective.
- Procedure for execution of different kinds of decree.
- Procedure for attachment of different kinds of property—moveable immovable agricultural items, animals,—debts shares, salaries etc.
- Rule 46 order XXI—Garnishee
- Procedure for execution by arrest and detention.
- Sale of attached property.
- Claim and objections—Order XXI Rule 58.
- Details of Procedure for sale of immovable property—framing of the proclamation—setting aside of sale—confirmation of sale—condition for sale becoming absolute—Bar of suits.
- Delivery of possession to decree holder or auction purchaser—different modes of delivery of possession—Resistance to delivery of possession—Dispossession by decree holder or auction purchaser—question within Rule 101 of Order XXI—Bar of suits—Police help in Execution—consequence of failure of Police to render assistance.
- Order of dismissal for default or ex-parte disposal of application for execution—restoration or setting aside of such orders.
- Impact of Rule 12 of Order XXII on Execution.

ALTERNATE DISPUTE RESOLUTION

- What are the different modes of Alternate dispute resolution?
- Meaning of Arbitration, Conciliation, Judicial Settlement through Lok Adalat, Mediation etc.
- Scope of ambit of Sec. 89 CPC.
- Procedure to be followed by Court for referring a dispute to any of the forum for settlement—duty to follow the rules inserted in R1A, 1B, 1C of Order X of CPC.
- Rules and guidelines in respect of Alternate dispute resolution, laid down by the Hon'ble Supreme Court in Salem Advocate Bar Association case.
- Arbitration mechanism—appointment of Arbitrator under Arbitration Act—Arbitral Award—enforcement of the Award.
- On what grounds an Arbitral Award can be challenged in a court?
- Whether the provision of Sec. 5 of the Limitation Act is applicable for condonation of delay for filing an application for setting aside an Award?
- Whether the provision of S. 14 of the Limitation Act is applicable for computation of limitation for filing an application for setting aside an Arbitral award?
- Whether an award/order passed by Lok Adalat can be challenged in any Superior court?
- Difference between mediation and conciliation.

- Duty of court under R-5B of Or. XXVII CPC.
- Duties and function of Permanent Lok Adalat.
- Scope and ambit of Sec. 8 of the Arbitration Act & Conciliation Act, 1996.
- The important changes that are brought in Arbitration and Conciliation Act, 1996 vis-à-vis Arbitration Act, 1940.

MUSLIM LAW

- Muslim jurisprudence-fiqh.
- Sources of Muslim Law-Quran, Ima Qiyas & Urf.
- Marriage—essential requirements and presumptions if any regarding marriage.
- When is marriage said to be valid [sahih], void [batil] and irregular [fasid], and what are its consequences.
- Age of marrying parties-whether there is any conflict with the India Majority Act-if so which law has precedence.
- Dower-prompt and deferred-wife's right to dower.
- Whether a suit lies for dower if so what is the limitation.
- Talaq-what are the recognized and approved modes-Judicial pronouncement regarding talaq-whether in conflict with the personal law.
- Whether a wife can give talaq unto herself on the basis of stipulations in the kabool-nama.
- Whether a talaq in an inebriated state is a valid talaq.
- Dissolution of Muslim Marriage Act-whether the Civil Court has jurisdiction to entertain suit for talaq.
- Whether the Muslim Law contains any provisions for presuming parentage.
- Who are the natural guardians of a Muslim minor?
- Whether a guardian of Muslim minor can sell the property in the name of minor-if yes then under what circumstances?
- Gift-movable property and immovable property-what are the essentials, whether a gift can be revoked.
- Whether a gift of immovable property is required to be registered-if not then whether provisions of section 123 of the Transfer of Property Act are in conflict with the personal law-in case of conflict which law will prevail?
- Whether the donor can dispose his entire property by way of a gift.
- Requisites for a valid will-whether the personal law provides a limitation on these testamentary powers?
- Doctrine of consent.
- Kinds of Wakfs, its essentials and how created?
- Doctrine of Cypres.
- Whether a waqf can be revoked?
- Who is Mutawalli and what are his powers and duties?
- Whether the law of pre-emption is applicable in India?
- When the right of pre-emption does arise?
- Who can pre-empt?
- What is the difference between succession and inheritance-whether Muslim law recognizes the concept of joint family-what is the meaning of tenants in common?
- What is heritable property among the Muslim?

- When does inheritance open?
- What is the order of inheritance among the Muslim?
- Adoption among Muslim—whether recognizable under the personal law if yes, then what are the rights of an adopted son?
- Codified law and Shariat-dichotomy, if any, with respect to law of maintenance of wife.
- When the right of pre-emption is lost and when it is not lost?
- Rules of representation, exclusion, primogeniture, inheritance, specs successions.

Hindu Law

- Who is a Hindu?
- Origin of Hindu law—whether the rights and obligations of a Hindu is governed by Statute or personal law.
- Mitakshara and Dayabhaga school of Hindu law
- Hindu law of inheritance and succession
- Whether the Hindu Succession Act is a codified law or personal law-whether the law of inheritance and succession is different for HUF and nuclear family?
- What is the meaning of Mitakshara Coparcenary? Who are the coparceners?
- What is the order of succession among the Hindus-nuclear family and joint family?
- Whether a sale of land by a karta of HUF is valid – if yes, then under what circumstances?
- What is the status of a karta in a coparcenaries?
- Whether an illegitimate child is entitled to inherit the property along with the legitimate children?
- What are the rights and shares, if any, of married daughter regarding inheritance?
- Hindu law of adoption-Dattak hommam
- What are the rights of an adopted child?
- Whether the natural parents can revoke the adoption?
- Whether a Hindu male can adopt a female child and vice versa?
- Whether the adoption among the Hindus is governed by personal law or codified law?
- What are the essentials of a Hindu marriage?
- Whether the law of Hindu marriage has been codified? Judicial pronouncement regarding Hindu marriage
- What are the grounds for divorce?
- Whether the grounds for divorce for a Hindu male and female are the same? If not, then what are the differences?
- *Pendente lite* alimony and permanent alimony.
