



# THE CODE OF CIVIL PROCEDURE, 1908

Last Amended on 2016-12-01



## CONTENTS

### SECTIONS:

#### PRELIMINARY

1. Short title, commencement and extent.
2. Definitions.
3. Subordination of Courts.
4. Savings.
5. Application of the Code to the Revenue Courts.
6. Pecuniary Jurisdiction.
7. Provincial Small Cause Courts.
8. *[Omitted.]*

#### PART I SUITS IN GENERAL

##### *JURISDICTION OF THE COURTS AND RES JUDICATA*

9. Courts to try all civil suits unless barred.
10. Stay of suit.
11. *RES JUDICATA*
12. Bar to further suits.
13. When foreign judgment not conclusive.
14. Presumption as to foreign judgment.

##### *PLACE OF SUING*

15. Court in which suits to be instituted.
16. Suits to be instituted where subject-matter situate.
17. Suits for immoveable property situate within jurisdiction of different Courts.
18. Place of institution of suit where local limits of jurisdiction, of Courts are uncertain.
19. Suits for compensation for wrongs to person or moveables.
20. Other suits to be instituted where defendants reside or cause of action arises.
21. Objections to jurisdiction.
22. Power to transfer suits which may be instituted in more than one Court.

- 23. To what Court application lies.
- 24. General power of transfer and withdrawal.
- 24 A. Appearance of parties on transfer of suit, etc.
- 25. *[Omitted.]*

### ***INSTITUTION OF SUITS***

- 26. Institution of suits.

### ***SUMMONS AND DISCOVERY***

- 27. Summons to defendants.
- 28. Service of summons where defendant resides, in another Province.
- 29. Service of foreign summonses.
- 30. Power to order discovery and the like.
- 31. Summons to witness.
- 32. Penalty for default.

### ***JUDGMENT AND DECREE***

- 33. Judgment and decree.

### ***INTEREST***

- 34. Interest.
- 34 A. Interest on public dues.
- 34 B. Interest etc., on dues of banking company.

### ***COSTS***

- 35. Costs.
- 35 A. Compensatory costs in respect of false or vexatious claims or defences.

## ***PART II EXECUTION***

### ***GENERAL***

- 36. Application to orders.
- 37. Definition of Court which passed a decree.

### ***COURTS BY WHICH DECREE MAY BE EXECUTED***

- 38. Courts by which decree may be executed.
- 39. Transfer of decree.
- 40. Transfer of decree to Court in another Province.
- 41. Result of execution proceeding to be certified.
- 42. Powers of Court in executing transferred decree.
- 43. Execution of decrees passed by British Courts in places to which this Part does not extend or in foreign territory.
- 44. *[Omitted.]*
- 44 A. Execution of decrees passed by Courts in the United kingdom and other reciprocating territory.
- 45. *[Omitted.]*
- 46. Precepts.

### ***QUESTIONS TO BE DETERMINED BY THE COURT EXECUTING DECREE***

- 47. Questions to be determined by the Court executing decree.

***LIMIT OF TIME FOR EXECUTION***

48. Execution barred in certain cases.

***TRANSFEREES AND LEGAL REPRESENTATIVES***

49. Transferee.  
50. Legal representative.

***PROCEDURE IN EXECUTION***

51. Powers of Court to enforce execution.  
52. Enforcement of decree against legal representative.  
53. Liability of ancestral property.  
54. Partition of estate of separation of share.

***ARREST AND DETENTION***

55. Arrest and detention.  
56. Prohibition of arrest or detention of women in execution of decree for money.  
57. *[Omitted.]*  
58. Release from detention.  
59. *[Omitted.]*

***ATTACHMENT***

60. Property liable to attachment and sale in execution of decree.  
61. Partial exemption of agricultural produce.  
62. Seizure of property in dwelling house.  
63. Property attached in execution of decrees of several Courts.  
64. Private alienation of property after attachment to be void.

***SALE***

65. Purchaser's title.  
66. Suit against purchaser not maintainable on ground of purchase being on behalf of plaintiff.  
67. Power for Provincial Government to make rules as to sales of land in execution of decrees for payment of money.

***DELEGATION TO COLLECTOR OF POWER TO EXECUTE DECREES AGAINST IMMOVEABLE PROPERTY***

68. Power to prescribe rules for transferring to Collector execution of certain decrees.  
69. Provisions of Third Schedule to apply.  
70. Rules of procedure.  
Jurisdiction of Civil Courts barred.  
71. Collector deemed to be acting Judicially.  
72. Where Court may authorise Collector to stay public sale of land.

***DISTRIBUTION OF ASSETS***

73. Proceeds of execution sale to be rateably distributed among decree-holders.

***RESISTANCE TO EXECUTION***

74. Resistance to execution.

***PART III  
INCIDENTAL PROCEEDINGS******COMMISSIONS***

- 75. Power of Court to issue commissions.
- 76. Commission to another Court.
- 77. Letter of request.
- 78. Commissions issued by foreign Courts.

**PART IV  
SUITS IN PARTICULAR CASES**

***SUITS BY OR AGAINST THE GOVERNMENT OR PUBLIC OFFICERS  
IN THEIR OFFICIAL CAPACITY***

- 79. Suits by or against the Government.
- 80. Notice.
- 81. Exemption from arrest and personal appearance.
- 82. Execution of decree.

***SUITS BY ALIENS AND BY OR AGAINST FOREIGN RULERS,  
AMBASSADORS AND ENVOYS***

- 83. When aliens may sue.
- 84. When foreign States may sue.
- 85. Persons specially appointed by Government to prosecute or defend for Ruler of foreign State.
- 86. [Repealed.]
- 86 A. Suits against diplomatic agents.
- 87. [Repealed.]
- 87 A. [Omitted.]

***INTERPLEADER***

- 88. Where inter pleader suit may be instituted.

**PART V  
SPECIAL PROCEEDINGS**

***ARBITRATION***

- 89. [Omitted.]

***SPECIAL CASE***

- 90. Power to state case for opinion of Court.

***SUITS RELATING TO PUBLIC MATTERS***

- 91. Public nuisances.
- 92. Public charities.
- 93. Exercise of powers of Advocate General.

**PART VI  
SUPPLEMENTAL PROCEEDINGS**

- 94. Supplemental proceedings.
- 95. Compensation, for obtaining arrest, attachment or injunction on in sufficient grounds.

**PART VII  
APPEALS  
APPEALS FROM ORIGINAL DECREES**

- 96. Appeal from original decree.
- 97. Appeal from final decree where no appeal from preliminary decree.
- 98. Decision where appeal heard by two or more Judges.

99. No decree to be reversed or modified for error or irregularity not affecting merits or jurisdiction.

**APPEALS FROM APPELLATE DECREES.**

100. Second appeal.  
101. Second appeal on no other grounds.  
102. No second appeal in certain cases.  
103. Power of High Court to determine issues of fact.

***APPEALS FROM ORDERS***

104. Orders from which appeal lies.  
105. Other orders.  
106. What Courts to hear appeals.

***GENERAL PROVISIONS RELATING TO APPEALS***

107. Powers of Appellate Court.  
108. Procedure in appeals from appellate decrees and orders.

***APPEALS TO THE SUPREME COURT***

109. When appeals, lie to the Supreme Court.  
110. *[Omitted.]*  
111. Bar of certain appeals.  
111 A. *[Omitted.]*  
112. Savings.

**PART VIII  
REFERENCE, REVIEW AND REVISION**

113. Reference to High Court.  
114. Review.  
115. Revision.

**PART IX  
SPECIAL PROVISIONS RELATING TO HIGH COURTS**

116. Part to apply only to certain High Courts.  
117. Application of Code to High Courts  
118. Execution of decree before ascertainment of costs.  
119. Unauthorised persons not to address Court.  
120. Provisions not applicable to High Court in original civil jurisdiction.

**PART X  
RULES**

121. Effect of rules in First Schedule.  
122. Power of certain High Courts to make rules.  
123. Constitution of Rule Committees in certain Provinces.  
124. Committee to report High Court.  
125. *[Omitted.]*  
126. Rules to be subject to approval.  
127. Publication of rules.  
128. Matters for which rules may provide.  
129. Power of High Courts to make rules as to their original Civil Procedure.