

SINDH JUDICIAL ACADEMY
CURRICULUM
FOR
NEWLY APPOINTED
ADDITIONAL DISTRICT &
SESSIONS JUDGES

By Justice (R) Muhammad Mujeebullah Siddiqui
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**CURRICULUM FOR THE TRAINING OF NEWLY APPOINTED
ADDITIONAL DISTRICT & SESSION JUDGES.**

- Nature of Training:** Induction Training (in Service) – Crash Program.
- Academic Session:** 4 Weeks.
- Subject:** Civil Procedure Code and other allied laws.
- Consultant:** Justice Muhammad Mujibullah Siddiqui, Civil Procedure Consultant/Expert.
- Total Contact Hours:** 28 (i) 24 Periods of 60 Minutes duration each.
- (ii) 4 Hours mock (moot) judicial proceedings (Appellate, Revisional & Review) – Judgment Writing.

Sr. No.	Subject	Days	Lectures	Assignments
1	Civil Procedure Code, 1908. i) Definitions in Civil Procedure Code. ii) Subordination of Courts. iii) Civil Court and their jurisdiction. iv) Appeals, Revision, Review & Reference to High Court. v) Injunctions. vi) Stay of Suits. vii) Appointment of Receiver. viii) Appointment of Commissioners. ix) Attachment before Judgment. x) Summary Suits. xi) Application for leave to defend. xii) Procedure of Trial of Summary Suits. xiii) Reference to Court	24	24	4

	<p>under Section 18 of the Land Acquisition Act, 1894.</p> <p>xiv) Matter to be considered in determining compensation for Land Acquired.</p> <p>xv) Insolvency Petition.</p> <p>xvi) Family Appeal.</p> <p>xvii) Judgment and Decree.</p> <p>xviii) Suit by or against the Government.</p> <p>xix) Alternative dispute resolution.</p> <p>xx) Appeals from original decrees.</p> <p>xxi) Appeals from orders.</p> <p>xxii) Powers of Appellate Court.</p> <p>xxiii) Inherent Powers of Court.</p> <p>xxiv) Amendment of Judgments, Decrees or Orders and General Power to amend.</p> <p>xxv) Order XXVII A – Matters involving any substantial question as to the interpretation of Constitutional Law.</p> <p>xxvi) Order XLI CPC.</p> <p>xxvii) Order XLIII CPC.</p> <p>xxviii) Order XLIV CPC.</p> <p>xxix) Order XLVI CPC.</p> <p>xxx) Order XLVII CPC.</p> <p>xxxi) Section 115 CPC.</p> <p>The Sindh Civil Court Rules.</p> <p>i) Computation of time.</p> <p>ii) Sitting and vacations of Courts.</p> <p>iii) Preparation of cause list.</p> <p>iv) Order in which cases may be tried.</p> <p>v) Procedure in Appeals, Reference, Review and Revision.</p> <p>vi) Rules under the Succession Act, 1925.</p> <p>vii) Rules under the Provincial Insolvency Act, 1920.</p> <p>viii) Administration and Supervision of court Staff.</p>			
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	Limitation Act.			
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**CURRICULUM FOR THE TRAINING OF NEWLY APPOINTED
CIVIL JUDGES & FIRST CLASS MAGISTRATES.**

Nature of Training: Induction Training (Pre-Service).

Period of academic Session: 6 months.

Subject: Civil Procedural Law.

Participants Level: Newly appointed Civil Judges and Judicial Magistrates.

Teaching Level: Acquisition of knowledge, raising the competence, work skill and behavioral change.

Consultant: Justice Muhammad Mujibullah Siddiqui, Civil Procedure Consultant/Expert.

Sr. No.	Subject
1	Civil Procedure Code (Main Part). Topics: <ul style="list-style-type: none">i) Definitions of the words and expressions use in Civil Procedure Code.ii) Hierarchy of Courts.iii) Jurisdiction of the Courts, pecuniary and territorial.iv) The nature of the jurisdiction vested in Civil Courts.v) Stay of suit and Resjudicata.vi) Bar to further suit.vii) Place of suing.viii) Procedure of instituting the suit.ix) Procedure on institution of suit.x) Issuance of process to the parties and witnesses.xi) Judgment and Decree.xii) Provisions pertaining to execution of decree, powers of executing court which passed the decree and of the transferee court.xiii) Details of procedure in execution.

	<ul style="list-style-type: none"> xiv) Arrest and detention in execution. xv) Attachment in execution procedure. xvi) Sale of moveable and immoveable properties by the executing court. xvii) Powers of court when resistance to execution is made. xviii) Incidental proceedings such as issuance of commission etc. xix) Suits by or against the government or public officers in their official capacity. xx) Suits by aliens and by or against Ambassadors and Envoys. xxi) Interpleader suits. xxii) Alternative Dispute Resolution. xxiii) Suits relating to public matters such as public nuisances and public charities. xxiv) Exemption to certain women, notified officers, judicial officers, members of legislative bodies from personal appearance, arrest or detention. xxv) Restitution of properties. xxvi) Liability of surety. xxvii) Enlargement of time, power to make up deficiency of court fee. xxviii) Inherent power of court and power to amend judgments, decrees orders. <p>First Schedule to C.P.C., (Second Part Containing Rules of Procedure).</p> <ul style="list-style-type: none"> i) Parties to suits. ii) Frame of suits. iii) Recognized agents and pleaders. iv) Institution of suit. v) Issue and service of summons. vi) Pleading generally.
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	vii)	Plaint.
	viii)	Written statement and set off.
	ix)	Appearance of parties and consequences of non-appearance. Power of setting aside ex-parte decree.
	x)	Examination of the parties by court at the initial stage. Alternative methods of dispute resolution including mediation, conciliation and other means.
	xi)	Discovery and inspection.
	xii)	Admission and judgment on admission.
	xiii)	Production, impounding and return of documents.
	xiv)	Settlement of issues and determination of suits on issues of law.
	xv)	Disposal of the suit at first hearing.
	xvi)	Summoning and attendance of witnesses.
	xvii)	Adjournments.
	xviii)	Hearing of suit and examination of witnesses.
	xix)	Manner of recording evidence in appealable and un-appealable cases.
	xx)	Affidavits.
	xxi)	Judgment and decree.
	xxii)	Execution of decrees and orders.
	xxiii)	Death, marriage and insolvency of parties.
	xxiv)	Withdrawal and adjustment of suit.
	xxv)	Payments made in the court.
	xxvi)	Security for costs.
	xxvii)	Commission for examination of witnesses, local investigation, examination of accounts, to make partition and the general provisions in this behalf.
	xxviii)	Suits by or against the government or public officers in their official capacity.

2	<p>xxix) Procedure to be adopted in suits involving any substantial question as to interpretation of constitutional law.</p> <p>xxx) Suits by or against military, naval-man and air-man.</p> <p>xxxii) Suits by or against firms and persons carrying on business in the name other than their own.</p> <p>xxxiii) Suits by or against trustees, executor and administrator.</p> <p>xxxiv) Suits by or against minors and persons of unsound mind.</p> <p>xxxv) Suits by paupers.</p> <p>xxxvi) Suits relating to mortgages of immovable property. Decrees, preliminary and final in suits for foreclosure, sale and redemption.</p> <p>xxxvii) Interpleader suits.</p> <p>xxxviii) Especial case for opinion of court.</p> <p>xxxix) Summary procedure in suits on negotiable instrument.</p> <p>xl) Arrest and attachment before judgment.</p> <p>xli) Temporary injunction and interlocutory orders.</p> <p>xlii) Appointment of receiver.</p> <p>xliii) Reference to High Court.</p> <p>xliv) Review of judgment.</p> <p>Sindh Civil Court Rules.</p> <p>i) Sitting and vacation of court. Administrative and judicial work which can be done on holidays and vacations.</p> <p>ii) Fixation of dates of hearing and preparation of cause list.</p> <p>iii) Judicial registers. How they are kept and parts of the files.</p> <p>iv) Maintenance of diaries and order sheets.</p>
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	v)	Duties of chief ministerial officer.
	vi)	Duties of execution clerk.
	vii)	Forms of pleadings.
	viii)	Rules pertaining to Vakalatnama.
	ix)	Affidavit and use of affidavit in interlocutory matter and in evidence.
	x)	Interlocutory proceedings.
	xi)	Security proceedings and procedure.
	xii)	General conduct of parties and advocates in court.
	xiii)	Institution of proceedings – rules of procedure.
	xiv)	Preparation of processes and payment of fee.
	xv)	Distribution of process.
	xvi)	Mode of service and return of service.
	xvii)	Rules pertaining to suits by or against minor and persons of unsound mind.
	xviii)	Written statement.
	xix)	Procedure for framing of issue.
	xx)	Commission for examination of witnesses through interrogatories and for viva-voce examination.
	xxi)	Examination “de bone esse”.
	xxii)	Rules for issuance of commission for taking accounts.
	xxiii)	General rules for issuance of commission.
	xxiv)	Rules pertaining to procedure for appointment of receiver, registers to be maintained by him, his powers remuneration and duties. Consequences of negligence on the part of receiver.
	xxv)	Rules for summoning witnesses including public officers.

	xxvi)	Rules in regard to production of public documents.
	xxvii)	Adjournments, matters to be considered for granting adjournment, consequences of default by party in producing evidence and cost of adjournment.
	xxviii)	Arrangement of court work and the order in which case may be tried. Case management.
	xxix)	Rules prescribing the manner of recording the deposition of witnesses, admission of documents in evidence and general rules to be observed during recording of evidence.
	xxx)	Rules describing the manner and mode of writing judgments.
	xxxi)	Preparation of decree and the rules in that behalf.
	xxxii)	Taxation of cost and the manner of calculating the cost.
	xxxiii)	Proceedings in execution.
	xxxiv)	Transmission of decree.
	xxxv)	Execution of decree of foreign courts.
	xxxvi)	Application for execution and contents thereof.
	xxxvii)	Execution of document under the direction of court by the Nazir of court in favour of decree holder.
	xxxviii)	Attachment of property, who can be joined in proceeding and the procedure where properties already under attachment.
	xxxix)	Sale of attached property. Rules in respect of moveable property, live stock and immoveable property.
	xl)	Contents of sale proclamation and publication

	thereof. Place of sale of immoveable property.
xli)	Sale, how conducted, preparation of report pertaining to sale proceeding.
xlii)	Confirmation of sale.
xliii)	Rules pertaining to delivery of possession to decree holder or purchaser.
xliv)	Recording of evidence and order in execution proceedings.
xlv)	Nazir's office and his duties.
xlvi)	Deposits, payments and accounts with the Nazir and the registers required to be maintained by him.
xlvii)	Copying, comparing and transmission fees accounts.
xlviii)	Maintenance of dead stock register.
xlix)	Record keeper, his duties and responsibilities and the maintenance of registers by him.
l)	Arrangement of library.
li)	Copies and translation and the detailed rules pertaining thereto.
lii)	Appointment of sections writers/copyists and their responsibilities.
liii)	Inspection of judicial files and record.
liv)	Rules under the divorce Act, 1869.
lv)	Rules under the Parsi marriage and Divorce Act, 1936.
lvi)	Rules under the Guardians and Wards Act 1890.
lvii)	Procedure for submission of application under the Guardians and Wards Act.
lviii)	Rules pertaining to interlocutory order under the Guardians and Wards Act.
lix)	Rules dealing with immoveable property of

	a minor.
lx)	Rules for maintaining accounts of properties of minor administered by guardian.
lxi)	Discharge order/removal of guardian.
lxii)	Allowance to guardians.
lxiii)	Rules under the Oaths Act, 1873.
lxiv)	Rules under the Partition Act, 1893.
lxv)	Rules under the Provincial Insolvency Act, 1920.
lxvi)	Rules under the Destruction of Records Act, 1917.
lxvii)	Rules under the Arbitration Act dealing with the filing of award in court, passing of interim orders, stay of proceedings under Section 34, appointment of Arbitrator and making award rules of court.
lxviii)	Rules under the Transfer of Property Act, 1882.
lxix)	Rules under Trust Act, 1882.
lxx)	Rules pertaining to administration and supervision by the judges.
lxxi)	Rules pertaining to appointment of petition writers, their duties and their supervision by the judges.
lxxii)	Appointment of registered clerks of the advocates and their responsibilities.
lxxiii)	Rules pertaining to inspection of court by the judges themselves, District Judges and High Court. Guidelines for preparing inspection report.
lxxiv)	Rule requiring convening of judicial conference of the judges and advocates of the district by the district judge and submission of conference

	<p>report to High Court.</p> <p>lxxv) Rules pertaining to submission of periodical returns and preparation of annual administration report to be sent to High Court.</p> <p>lxxvi) The importance of maintaining of the registers prescribed under the Civil Procedure Code and Sindh Civil Court Rules.</p>
3	<p>A.D.R.</p> <p>Detailed discussion in respect of various methods of Alternative Dispute Resolution including mediation, arbitration, conciliation, case evolution, by resort to provision contained in especial Oath Act and good offices as well as compromise. The concepts of various methods of Alternative Dispute Resolution and their efficacy with particular emphasis on the concept of mediation and the role of mediator. The procedure and rule to be observed in this behalf. The code of conduct for the mediator and mode of final settlement between the parties in cases not before the court and the cases pending in court.</p>
4	Limitation Act.
5	Family Laws.
6	Rent Law.
7	Assignments (18).
8	<p>Case Study.</p> <p>i) Framing of Issues.</p> <p>ii) Interlocutory Orders.</p> <p>iii) Judgments.</p>

9	<p data-bbox="618 186 1071 262">Mock (Moot Trial), at the end of statute law and rules.</p> <ul data-bbox="682 273 1071 588" style="list-style-type: none"><li data-bbox="682 273 1071 304">i) Framing of Issues.<li data-bbox="682 304 1071 336">ii) Recording of evidence.<li data-bbox="682 336 1071 367">iii) Hearing of arguments.<li data-bbox="682 367 1071 399">iv) Recording of diaries.<li data-bbox="682 399 1071 462">v) Recording of order sheets.<li data-bbox="682 462 1071 493">vi) Judgments.<li data-bbox="682 493 1071 588">vii) General discussion about the conduct of case in Moot Trial.
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WORK PLAN FOR THE TRAINING OF NEWLY APPOINTED CIVIL JUDGES & FIRST CLASS MAGISTRATES.

NATURE OF TRAINING: Induction Training (Pre-Service).

PERIOD OF ACADEMIC SESSION: 6 MONTHS.

SUBJECT: Civil Procedural Law.

PARTICIPANTS' LEVEL: NEWLY APPOINTED CIVIL JUDGES
& FIRST CLASS MAGISTRATES.

TEACHING LEVEL: ACQUISITION OF KNOWLEDGE,
RAISING THE COMPETENCE, WORK
SKILL & BEHAVIOURAL CHANGE.

CONSULTANT: JUSTICE MUHAMMAD MUJIBULLAH
SIDDIQUI, CIVIL PROCEDURE
CONSULTANT/EXPERT.

Sr.	Subject 2	Months.						Out put 9
		1 st	2 nd	3 rd	4 th	5 th	6 th	
1.	Civil Procedure Code (Main Part). <u>Topics:</u> Definitions of the words and expressions used in Civil Procedure Code.							List of words and expressions with meaning used in Civil Procedure Code.
2.	Hierarchy of Courts.							Chart showing Hierarchy of the courts.
3.	Jurisdiction of the Courts, pecuniary and territorial.							Schedule showing limit of pecuniary jurisdictions. Schedule of Territorial jurisdiction of two or more districts.
4.	The nature of the jurisdiction vested in Civil Courts.							Statement showing nature of the jurisdiction vested in Civil Courts.

5.	Stay of suit and Resjudicata.							Paper with case laws.
6.	Bar to further suit.							List of Case laws
7.	Case study							Case study on Resjudicata
8.	Mood/mock trial							Video recording of moot/mock trial. Relevant material prepared in advance for participants.