

SINDH JUDICIAL ACADEMY

Curriculum & Workplan
For The Training of Newly
Appointed Additional
District & Sessions Judges

Designed &
Developed By
Justice (R)
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**CURRICULUM FOR THE TRAINING OF NEWLY APPOINTED
ADDITIONAL DISTRICT & SESSION JUDGES.**

- Nature of Training:** Induction Training (Pre 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:** 25 (i) 18 Periods of 60 Minutes duration each.
- (ii) 3 Hours Presentation of Papers.
- (iii) 4 Hours mock (moot) judicial proceedings (Appellate, Revisional & Review) – Judgment Writing.

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

	<ul style="list-style-type: none"> xiii) Insolvency Petition. xiv) Family Appeal. xv) Judgment and Decree. xvi) Suit by or against the Government. xvii) Alternative dispute resolution. xviii) Appeals from original decrees. xix) Appeals from orders. xx) Powers of Appellate Court. xxi) Inherent Powers of Court. xxii) Amendment of Judgments, Decrees or Orders and General Power to amend. xxiii) Section 96 CPC. xxiv) Section 104 CPC. xxv) Section 114 CPC. xxvi) Section 115 CPC. xxvii) Section 151 & 152 CPC. xxviii) Order XLI CPC. xxix) Order XLIII CPC. xxx) Order XLIV CPC. xxxi) Order XLVI CPC. xxxii) Order XLVII CPC. <p>The Sindh Civil Court Rules.</p> <ul style="list-style-type: none"> i) Computation of time. ii) Sitting and vacations of Courts. iii) Preparation of cause list. iv) Order in which cases may be tried. v) Procedure in Appeals, Reference, Review and Revision. vi) Rules under the Provincial Insolvency Act, 1920. vii) Administration and Supervision of court Staff. <p>Assignments (4)</p> <p>Mock (Moot) Appeals (2).</p>
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COURSE TITLE: Training Program for newly inducted Additional District & Sessions Judges.

COURSE NO: SJA/IC-PS-002/2007.

GOAL: To acquaint and apprise the newly appointed Judicial Officers with civil judicial system. To improve and ensure better functioning of the justice delivery system in civil litigation and quick disposal of civil appeals/revisions/review by providing legal and judicial education. To enhance skill and knowledge of newly appointed judicial officers.

DURATION: 4 weeks (starting from 18th of October, 2007).

TARGET: Additional District & Sessions Judges.

NUMBER OF PARTICIPANTS: Ten (10).

NEED ASSISTMENT: To apprise the judicial officers of latest development in the field of law and procedure so as to improve their judicial skill and efficiency.

OBJECTIVES: The objectives/impact of the course on the participants is intended:-

- i) To bring an over all improvement in their skill and working in the matter of disposal of civil cases;
- ii) To familiarize the participants with the techniques more particularly in the procedural matter and ADR;

iii) To cut short delay in the disposal of cases.

CONTENTS:

i) Fundamentals of civil trial.

ii) Powers and jurisdiction of appellate/revisional court.

iii) Alternative dispute resolution mechanism with special reference to mediation and conciliation in pursuance of Section 89 of the Code of Civil Procedure, 1908 and other relevant laws.

iv) Law relating to injunction.

v) Disposal of regular and Misc. Appeals, Revisions, Review and rectification in civil matters.

vi) Framing of points for determination.

vii) Recording of additional evidence at appellate stage.

viii) Court management and case management.

METHODOLOGY:

The course will be the blend of following:-

i) Lectures.

ii) Group Discussion.

iii) Interactive Session.

iv) Paper presentation by participants (assignments).

v) Mock (Moot Trials).

vi) Judgment writing in civil appeals/revisions.

Session 1 : The Civil Courts and their Jurisdiction 18-10-2007.
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Aims and Object:

At the end of the lesson, the trainee officers will be able to learn

1. About the hierarchy of Civil Courts.
2. Types of Jurisdiction.
3. The stage of objection about jurisdiction (whether it can be raised in appeal or not)
4. Effect of Order/Judgment passed without jurisdiction.

Statutes Covered : Sections 3, 9, 10, 14 to 16, 24 CPC

Session 2 : Appeal	19-10-2007.
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Aims and object:

At the end of the lesson, the trainee officers will be able to learn

1. That appeal is the right of an aggrieved party and it is continuity of original suit.
2. About the scrutiny of appeal (check the competency of appeal under a checklist)
3. Dismissal of appeal in limine.
4. About the order of admission of appeal
5. Notice to parties and different modes of service and their application.
6. About default in appearance and its consequences.

Statutes Covered

Sections 96 to 99, 104 to 106, Order XLI
and Order XLIII of CPC

Identified Case Laws:

- Jamal Shah v/s Election Commissioner PLD 1966 SC 1, [p.50]
- Abdul Majeed v/s Federation PLD 1962 SC 69.
- Kanwal Nain v/s Fateh Khan PLD 1983 SC 53
- Government v/s Muhammad Zaman 1996 SCMR 1864
- 2001 SCMR 99, (Substitute Service and its effect)

Session 3 : Appeal**20-10-2007.**

Aims and Object:

At the end of the lesson, the trainee officers will be able to learn

1. About Judgments (decrees) and Orders against which appeal can be filed.
2. About the Parties to appeal.
 - Appeal by the Plaintiff(s) or one of the Plaintiffs.
 - Appeal by the Defendant(s) or one of the Defendants.
 - Appeal by a person who was not the party to suit before Trial Court.

Statutes Covered

Sections 96 to 99, 104 to 106, Order XLI
and Order XLIII of CPC

Identified Case Laws:

- Habib Bank v/s State 1993 SCMR 1853 (right of appeal by express provision before higher forum)
- Rahim Shah v/s Chief Election Commissioner PLD 1973 SC 24 [p. 36] (When no appeal is provided under the law, the decision is final)
- Muhammad Aslam v/s Member BOR—PLD 1980 SC 45 [p. 48] (No appeal against a consent order)
- S.M. Saya & Co. v/s Vazir Ali Industries—PLD 1969 SC 65 (Appeal by stranger to suit is not barred)

Session 4 : Appeal**22-10-2007.**

Aims and Object:

At the end of the lesson, the trainee officers will be able to learn

1. About the Memorandum of Appeal, its contents and necessary annexures to it.
2. About consequences of not properly drawn up memorandum of appeal.
3. About Objection, Cross Objection and Cross Appeal.
4. About difference between Cross Appeal and Cross Objection.

Statutes Covered

Sections 96 to 99, 104 to 106, Order XLI
and Order XLIII of CPC

Session 5 : Appeal**23-10-2007.**

Aims and object:

At the end of the lesson, the trainee officers will be able to learn

1. About grounds that can be taken in appeal.
2. About hearing of appeal
3. Oral and written arguments.
4. About death of a party to appeal.

Statutes Covered

Sections 96 to 99, 104 to 106, Order XLI
and Order XLIII of CPC

Session 6 : Appeal	24-10-2007.
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Aims and object:

At the end of the lesson, the trainee officers will be able to learn

1. About Remand of the matter to trial court.
2. About situations when additional evidence is necessary.
3. About mode of taking additional evidence.

Statutes Covered

Sections 96 to 99, 104 to 106, Order XLI
and Order XLIII of CPC

Identified Case Laws:

- 2001 CLC 1256 (Additional Evidence at appellate stage)

Session 7 : Appeal**25-10-2007.**

Aims and object:

At the end of the lesson, the trainee officers will be able to learn

1. About the importance of 'Points for Determination' in appeal.
2. About the procedure to formulating and discussing the 'Points for Determination' in judgment.
3. About the proper procedure of disposal of appeal.

Statutes Covered

Sections 96 to 99, 104 to 106, Order XLI
and Order XLIII of CPC

Session 8 : Appeal**26-10-2007.**

Aims and object:

At the end of the lesson, the trainee officers will be able to learn

1. About judgment in appeal:
 - When additional evidence is recorded.
 - When additional evidence is not recorded.
2. About fraud committed in an appeal.
3. About order for cost in appeal.

Statutes Covered

Sections 96 to 99, 104 to 106, Order XLI
and Order XLIII of CPC

Session 9 : Revision**27-10-2007.**

Aims and object:

At the end of the lesson, the trainee officers will be able to learn

1. About the distinction between appeal and revision.
2. About the scope of revision.
3. About calling R & Ps and recording additional evidence in revision.
4. Limitation for revision.

Statutes Covered : Sections 115 CPC

Session 10 : Review**29-10-2007.**

Aims and object:

At the end of the lesson, the trainee officers will be able to learn

1. About powers to correct clerical mistakes.
2. Rules for filing a review application.
3. About grounds on which review lies.
4. Powers to review is a discretionary power.

Statutes Covered

Sections 152, 114, Order XLVII of
CPC

Session 11 : Stay of Suit or Execution of Decree 30-10-2007.

Aims and object:

At the end of the lesson, the trainee officers will be able to learn

1. That an appeal/revision does not automatically stay any proceedings before trial court.
2. That the appellate court may direct for stay of proceeding of suit or execution of decree.
3. That the trial court may also on application (within period of limitation) of a party to stay execution to enable him to file an appeal.
4. That the trial court cannot stay the proceeding of a suit on its own motion.
5. About rules for stay of an execution application by trial court or appellate court.

Statutes Covered : Sections Order XLI Rule 5 CPC

Session 13 : Summary Suits	01-11-2007.
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Aims and object:

At the end of the lesson, the trainee officers will be able to learn

1. Essentials for a summary suit.
2. The definition of negotiable instruments like cheques, hundies, bills of exchange and pronote.
3. The effect of inchoat pronote and pronote not sufficiently stamped.
4. Cause of action for a suit based on negotiable instrument.

Statutes Covered : Order XXXVII of CPC

Identified Case Laws:

- 2001 CLC 1172 (Original negotiable instrument should be produced)

Session 14 : Procedure of Trial of Summary Suit 02-11-2007.
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Aims and object:

At the end of the lesson, the trainee officers will be able to learn

1. About notice of summary suit and its service.
2. About leave to defend and rules to grant or refuse the leave.
3. Effect of granting and refusal of leave to defend.
4. Difference between refusal of leave and dismissal of suit.
5. Proceedings of summary suit.

Statutes Covered : Order XXXVII of CPC

Session 15 : Insolvency Petition**03-11-2007.**

Aims and object:

At the end of the lesson, the trainee officers will be able to learn

1. About the jurisdiction and power of court to decide all questions of insolvency.
2. About who and against whom insolvency petition can be filed.
3. About the insolvency petition in Karachi and the parts of the province other than Karachi.
4. About the situation of commission of insolvency by a debtor.
5. About the scrutiny of an insolvency petition.

Statutes Covered The Provincial Insolvency Act, 1920 (V of 1920);

Session 16 : Family Appeal	05-11-2007.
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Aims and object:

At the end of the lesson, the trainee officers will be able to learn

1. About the forum and scope of appeal against a judgment/decree of Family Court.
2. About appeal against certain decrees of dissolution of marriage.
3. The time frame fixed for appeal against certain cases of dissolution of marriage.
4. About the procedure of hearing and disposal of Family Appeal.

Statutes Covered

Sections 12-A, 14, 25-A and 25-B of The
West Pakistan Family Court Act.

Session 17 : Family Appeal**06-11-2007.**

Aims and object:

At the end of the lesson, the trainee officers will be able to learn

1. About maintenance of wife and children and fixing the quantum of maintenance.
2. About right of custody of minor and about Hizanat and Kifalat.
3. About welfare of minor.
4. About visiting right of minor.

Statutes Covered

Sections 12-A, 14, 25-A and 25-B of The
West Pakistan Family Court Act and Section
25 G & W Act.

Session 18 : Miscellaneous	07-11-2007.
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Aims and object:

At the end of the lesson, the trainee officers will be able to learn

1. About law and procedure of appointment of commissioner and powers of commissioner.
2. About inspection of site at appellate stage.
3. About compromise at appellate stage.

Statutes Covered : Sections

Session 19 : Presentation of papers by participants 08-11-2007.

(Assignments)

Class Room Discussion.

Session 20 : Presentation of papers by participants 09-11-2007.
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(Assignments)

Class Room Discussion.

Session 21 : Presentation of papers by participants 10-11-2007.
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(Assignments)

Class Room Discussion.

Session 22 : Mock (Moot) Appeal	12-11-2007.
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Case study and its practical demonstration judgment writing.

Session 23 : Mock (Moot) Appeal	13-11-2007.
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Case study and its practical demonstration judgment writing.

Session 24 : General Discussion on the entire course 14-11-2007.

Appraisal of entire training.

Lessons learnt.

Class room discussion and Feed Back.