

SINDH JUDICIAL ACADEMY

Workplan for the training of Newly
Appointed Civil Judges & Judicial
Magistrates

Designed &
Developed
by Justice
(R)
Muhammad
Mujeebullah
Siddiqui

WORK PLAN FOR THE TRAINING OF NEWLY APPOINTED CIVIL JUDGES & JUDICIAL MAGISTRATES.

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

Duration of Academic Session: 6 months.

Subject: Civil Procedure Code and other Allied Laws.

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

COURSE TITLE: Training Program for newly inducted Civil Judges & Judicial Magistrates.

COURSE NO: SJA/IC-PS-003/2007-2008.

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 suits/review by providing legal and judicial education. To enhance skill and knowledge of newly appointed judicial officers.

DURATION: 6 months (starting from 1st December, 2007).

PERIOD OF PRESENT WORKPLAN: 1st December, 2007 to 31st December, 2007.

TARGET: Civil Judges & Judicial Magistrates.

NUMBER OF PARTICIPANTS: Sixteen (16).

TEACHING LEVEL: Acquisition of knowledge on original side of civil litigation i.e. civil suits, Family suits, Rent cases and A.D.R. system (characteristics and salient features of various methods), raising the competence, work skill and behavioural change.

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 civil courts.
- 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 civil suits and Misc/interlocutory applications and rectification in civil matters.
- vi) Framing of issues.

- vii) Recording of evidence.
- viii) Judgment writing.
- ix) Development of administrative skill and supervision of subordinate staff.
- x) Court management and case management.
- xi) Art and skill of controlling and supervising court proceedings in elegant dignified and pleasant manner.

METHODOLOGY:

The course will be the blend of following:-

- i) Lectures.
- ii) Group Discussions.
- iii) Interactive Sessions.
- iv) Paper presentation by participants (assignments).
- v) Framing of issues and judgment writing on the basis of case studies provide to participants.
- vi) Mock (Moot Trials) to wit; practical demonstration of court proceedings on the basis of actual court cases (decided) and not on the basis of imaginary case studies and hypothetical facts, in order to:-
 - a) Understand the mechanism of pleading.
 - b) Framing of issues.
 - c) Recording of evidence.
 - d) Hearing of arguments.
 - e) Judgment writing.

- f) Conduct of judge during the court proceedings, recording of evidence, hearing of arguments and to learn, how to control the court proceedings in a balanced and befitting manner.

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| Session 1 : Introductory Lecture Saturday 01-12-2007. |
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Aims and Objects:

At the end of session, the trainee officers will be able to know:-

1. The Methodology of the training which shall be:
 - a) Competence based,
 - b) Participatory and not merely trainer led,
 - c) It shall comprise the,
 - i) Reading of relevant legislation and regulation.
 - ii) Explanation and elaboration wherever required.
 - iii) Questions and Answers.
 - iv) Lively discussion of the legal provisions, their principles application and implication.
 - d) Feed Back from the participants.
 - e) Assessment of trainees by the trainer.
 - f) Writing of assignments and judgments.

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| 3rd December, 2007. |
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| Monday. |
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No lecture assigned in the schedule. Preparation of reading material and case study.

4th December, 2007.

Tuesday.

No lecture assigned in the schedule. Preparation of reading material and case study.

5th December, 2007.

Wednesday.

No lecture assigned in the schedule. Preparation of reading material and case study.

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| Session 2 : Lecture on Order I, Rules 1 to 13 CPC. Thursday 06-12-2007. |
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Aims and Objects:

At the end of session, the trainee officers will be able to know:-

1. The persons who can be joined as plaintiff in a suit.
2. The persons who may be joined as defendants in a suit.
3. The power of court to order for separate trials.
4. The power of the court for giving judgment for one or more plaintiffs and against one or more defendants as may be found entitled to relief or liable.
5. The persons who can be joined by the plaintiff at his option.
6. The course to be adopted in case where plaintiff is in doubt in respect of the person/persons from whom he is entitled to redress.
7. The cases and procedure for filing representative suits.
8. The effect of misjoinder and nonjoinder. Power of the court to direct joinder of parties, adding of parties or striking out the parties.
9. No suit to be dismissed nonjoinder or misjoinder of parties.
10. Effect of amendment.
11. Stage of raising objection to nonjoinder or misjoinder of parties.

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| Session 3 : Lecture on Order II, Rules 1 to 7 CPC. Friday 07-12-2007. |
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Aims and Objects:

At the end of session, the trainee officers will be able to know:-

1. The format of suit and the grounds required to be incorporated in the plaint with the purpose to prevent further litigation.
2. The law that every suit shall include the whole of the claim with an option to plaintiff to relinquish any portion of the claim.
3. The law that if any portion of the claim is omitted or relinquished it shall operate as a bar for further suit for such claim.
4. The plaint shall contain all the reliefs but if any relief is omitted, except with the leave of the court it will operate as a bar for further suit.
5. The plaintiff can unite several causes of action in the same suit.
6. The claims which can be joined with a suit for recovery of immovable property.
7. The law relating to claims by or against executor, administrator or heirs.
8. The power of court to order for separate trials.
9. The stage for raising objection to the misjoinder of causes of action.

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| Session 4 : Lecture on Order III, Rules 1 to 6 CPC. Saturday 08-12-2007. |
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Aims and Objects:

At the end of session, the trainee officers will be able to know:-

1. That, appearances and applications in court are required to be made by party in person, or his recognized agent or by an advocate.
2. The Court may direct that the party may appear in person.
3. The persons who are recognized agents of the parties for the purpose of appearances, applications and other acts.
4. Process can be served on the parties or their recognized agents.
5. The manner in which advocate is appointed.
6. The circumstances in which the appointment of pleader is revoked.
7. The proceedings which are deemed to be proceedings in suits, even after end of the proceedings.
8. The manner in which an illiterate person can appoint advocate.
9. Power of Court to give direction to party living outside the jurisdiction of Court to appoint a recognized agent residing within the jurisdiction of the Court.

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| Session 5 : Lecture on Order IV, Rules 1 & 2 CPC. Monday 10-12-2007. |
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Aims and Objects:

At the end of session, the trainee officers will be able to know:-

1. The manner of institution of suit and presentation of claim.
2. That every plaint must comply with the law of pleadings contained in Orders VI & VII CPC.
3. The duty of Court to cause the particulars of every suit entered in the register of civil suits in Form No.14 appendix H first schedule to CPC.

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| Session 6 : Lecture on Order V, Rules 1 to 30 CPC. Tuesday 11-12-2007. |
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Aims and Objects:

At the end of session, the trainee officers will be able to know:-

1. That, summons are to be issued to the defendant after admission of a suit but, no summons will be issued when the defendant has himself appeared and admitted the plaintiff's claim.
2. A defendant may appear in person or through an Advocate or authorized agent.
3. Every summons will be accompanied by a copy of plaint or, if, permitted, by a concise statement.
4. The court may require defendant or plaintiff to appear in person, if so it will be specified in the summons.
5. No party will be ordered to appear in person unless he resides, within the local limits of the court or within 250 Miles from the court house.
6. The day for appearance of defendant will be fixed with reference to current business of the court and sufficient time will be allowed to the defendant to appear and answer. The number of cases fixed on a day shall be so much, as can be taken up by the court.
7. Normally no case shall be adjourned without any progress.

8. The process server shall until and unless directed otherwise, return the summons within 15 days.
9. The summons will be issued simultaneously through process server and by registered post A.D.
10. The signature of defendant or endorsement of postman that defendant has refused to take delivery will be deemed to be prima facie proof of service of summons.
11. Mode of service on the agent or any other person competent to receive summons.
12. The procedure to be adopted when defendant can not be found.
13. In the case of summons returned un-served the fact will be verified by the process server or by an affidavit or through his examination on oath.
14. The modes of substituted service and its effect. Mode of service on defendant in prison. Mode of service on the defendant residing out of Pakistan.
15. Mode of service on civil public officers.
16. Mode of service on soldier, sailor or airman.

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| Session 7 : Lecture on Order VI, Rules 1 to 18 CPC. Wednesday 12-12-2007. |
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Aims and Objects:

At the end of session, the trainee officers will be able to know:-

1. Law of pleadings generally.
2. The rule that the pleadings shall contain only a statement of material fact but not the evidence.
3. The party pleading any misrepresentation, fraud, breach of trust, default or undue influence shall give particulars of such allegation.
4. Power of the court to give direction to the parties for giving further and better statement of the nature of claim and defence, or further and better particulars of any pleading.
5. The pleading must not be inconsistent.
6. The presumption of law or the law relating to burden of proof need not be pleaded.
7. Every pleading is to be signed by the party or a person duly authorized.
8. The pleadings shall be verified on oath.
9. The power of court to strike out or amend any pleading which may be unnecessary or scandalous or embarrassing or tends to delay fair trial of suit.
10. Power of court to allow an amendment in the pleadings.
11. If amendment is not incorporated within time allowed or within 14 days, the amendment shall not be permitted unless the time is extended by the court.

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| Session 8 : Lecture on Order VII, Rules 1 to 26 CPC. Thursday 13-12-2007. |
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Aims and Objects:

At the end of session, the trainee officers will be able to know:-

1. The particulars to be contained in plaint.
2. A check list shall be provided to the participants for their use in court.
3. If suit is for recovery of money the specified amount is to be stated and in case of mesne profit or settlement of accounts the approx. amount is to be stated.
4. Where subject matter is immovable property, the description, particulars, boundaries and survey Nos. are to be incorporated.
5. In case of suing as representative the actual existing interest in the subject matter is to be shown.
6. The plaint must show that defendant has interest in subject matter and in what manner he is liable?
7. Where the suit is instituted after expiry of limitation period, the plaint shall show the ground upon which exemption is claimed.
8. Every plaint shall state specifically the relief or alternative relief sought. Same rule shall apply if relief claimed is by the defendant in his written statement.

9. If several reliefs or causes of action are alleged, they must be shown separately and distinctly.
10. List of documents shall be endorsed on the plaint as well as copies of the plaint for defendants and draft forms of summons and fees for the summons shall be furnished.
11. If the plaintiff or defendant has alleged representative capacity, such capacity shall be shown.
12. If the suit is filed in the wrong court it shall be returned for presentation to the appropriate court. On return of plaint the Judge shall endorse thereon the date of its presentation and return, the name of the party presenting it and the reasons for returning.
13. The grounds on which the plaint shall be rejected.
14. Where the plaint is rejected, the Judge shall record an order to that effect with the reasons.
15. The rejection of plaint shall not be a bar for presenting a fresh plaint.
16. The documents in possession of the plaintiff shall be filed with the plaint.
17. The list of documents relied upon shall also be filed.
18. The plaintiff shall specify the documents not in his possession and the person in whose possession such document is.
19. The procedure to adopted in respect of suits on lost negotiable instruments.

20. In case of a suit the basis of shop book or other account in possession of plaintiff such book and account shall be produced at the time of filing the plaint together with a copy. Original entry shall be marked by an officer of the court and after comparison the original shall be returned and certified copy shall be kept with the plaint.
21. If documents required to be produced with the plaint are not presented or entered in the list, shall not without the leave of the court be received at the hearing of the suit. However this rule shall not apply to documents produced for cross-examination of the defendants witnesses or in answer to any case set up by the defendant or handed to a witness to refresh his memory.
22. Plaint shall be accompanied by address for service of notices/summons.
23. The address for service shall be within the local limits of the District Court where suit is filed or the district within which the party ordinarily resides.
24. If address for service is not filed the suit shall be liable to be dismissed or plaint rejected by the court suo motu or on application of any party.
25. The procedure to be adopted where a party is not found at the address given by him for service.
26. Notices and summons can be served on the advocate as well.
27. The court is empowered to direct service of process in any manner deemed fit.

28. The plaintiff is required to file the name and address of the persons who shall be his legal representatives in the event of death. He shall also file the name and address of the person who shall intimate court about the fact of the death and furnish the court with the names, particulars and address of his legal representatives. The above particulars shall continue in appeal and revision as well.

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| Session 9 : Lecture on Order VIII Rules 1 to 13 CPC. Friday 14-12-2007. |
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Aims and Objects:

At the end of session, the trainee officers will be able to know:-

1. That the defendant may and if so required by the court shall present the written statement at or before the first hearing.
2. The maximum period allowed for filing written statement shall not ordinarily exceed 30 days.
3. The defendant shall raise all grounds of defence.
4. The general denial of the grounds alleged by the plaintiff shall not be sufficient, but the defendant must deal specifically with each allegation of fact which he does not admit.
5. The denial of allegation of fact in plaint must not be evasive.
6. Every allegation of the fact in the plaint if not denied specifically or by necessary implication or stated to be not admitted shall be taken to be admitted. The court may however in its decision require any fact so admitted to be proved otherwise than by such admission.
7. The defendant at the first hearing of the suit, but not afterwards unless permitted by the court may claim set off.
8. If set off is claimed it shall have same effect as a plaint in a cross suit.

9. The defendant claiming set off shall affix the court fee stamps.
10. No pleading subsequent to the written statement of the defendant, other than by way of defence to a set off shall be presented, except by the leave of the court.
11. If a party from whom a written statement is required, fails to present the same, the court may pronounce judgment against him or make such other order as it thinks fit.
12. The defendant shall also file address for service and all rules pertaining to service contained in Rule VII shall apply.
13. If the defendant fails to file address for service he shall be liable to have his defence struck out and to be placed into the same position as if he had not defended.
14. The defendant shall file list of his legal representative and the person who will intimate the court about his death and furnish particulars of legal representative.

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| Session 10 : Lecture on Order IX Rules 1 to 14 CPC. Saturday 15-12-2007. |
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Aims and Objects:

At the end of session, the trainee officers will be able to know:-

1. That on the day fixed in the summons the defendant must appear and the parties shall be in attendance in person or through their advocates.
2. If the summons are not served on the defendant in consequence of failure of the plaintiff to pay court fee or postal charges, the court may dismiss the suit. However if the defendant appears in person or through agent the suit shall not be dismissed.
3. If neither party appears when the suit is called for hearing the suit may be dismissed.
4. If the suit is dismissed as above the plaintiff may bring a fresh suit or may apply for setting the dismissal aside.
5. If after return of summons unserved on all or any of the defendants and the plaintiff fails to apply for fresh summons the court shall dismiss the suit as against all or such defendants unless the plaintiff satisfied the court that:
 - a) In spite of best endeavours he failed to discover the residence of such defendant; or
 - b) Such defendant is avoiding service of process; or

- c) There is any other sufficient cause for extending time.
6. In case of dismissal of suit the plaintiff may bring a fresh suit (subject to law of limitation).
 7. If defendant duly served fails to appear the court may proceed ex parte and pass decree without recording evidence.
 8. If summons not duly served second summons shall be issued.
 9. If summons served but time was not sufficient to appear and answer the court shall postpone the hearing of suit to a future day and shall direct notice of such day to the defendant.
 10. In case of summons not served or not served in sufficient time the court shall order the plaintiff to pay the cost.
 11. If the suit is directed to be heard ex parte the defendant may apply for setting aside such order.
 12. Where the defendant appears and plaintiff does not appear on the date of hearing the court shall dismiss the suit unless the defendant admits the claim, in which case the court shall pass a decree on admission.
 13. Where suit is dismissed as above the plaintiff shall be precluded from bringing a fresh suit, but he may apply for an order to set the dismissal aside.
 14. The provisions of Section 5 of the Limitation Act, 1908 shall apply to such application.

15. If one or more of the plaintiffs appear, the court may proceed with the suit as if all the plaintiffs were appearing.
16. If one or more of the defendants appear, the court shall proceed with the case.
17. If a decree is passed ex parte the defendant may apply for setting aside ex parte decree.
18. No ex parte decree shall be set aside merely on the ground of any irregularity in the service of summons, if the court is satisfied that the defendant had knowledge of the date of hearing.
19. Section 5 Limitation Act shall apply to such application.
20. No decree shall be set aside without notice to the opposite party.

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| Session 11 : Lecture on Order X Rules 1 to 4 CPC. Monday 17-12-2007. |
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Aims and Objects:

At the end of session, the trainee officers will be able to know that:-

1. At the first hearing of the suit the court is required to conduct the exercise of admission and denial from each party or his pleader. Such admissions and denials shall be recorded.
2. The court may adopt any lawful procedure not inconsistent with the provisions of CPC to:-
 - i) Conduct preliminary proceedings and issue order for expediting processing of the case:
 - ii) Issue with the consent of parties commission to examine witnesses, admit documents and take other steps for the purpose of trial, and;
 - iii) Adopt with the consent of the parties any alternative method of dispute resolution including mediation, conciliation or any such other means.
3. At the first hearing of the suit a party or any person able to answer material questions or his pleader shall be examined orally in order to ascertain and narrow down the controversy between parties.

4. The entire statement shall not be recorded but substance shall be reduced to writing by the judge and shall form part of the record.
5. If the advocate or any other person on behalf of any party refuses or is unable to answer any material question the court may postpone hearing and direct personal hearing of the party.
6. If the party fails to appear in person on the day so appointed without lawful excuse, the court may pronounce judgment against him or make such order in relation to the suit as it thinks fit.

Session 12 : Lecture on Alternative dispute resolution (ADR).

**Tuesday
18-12-2007.**

Aims and Objects:

At the end of session, the trainee officers will be able to know:-

1. The Definitions on the following terms:-
 - i) Alternative dispute resolution.
 - ii) Mediation.
 - iii) Arbitration and difference between arbitration and mediation.
 - iv) Conciliation and;
 - v) Case Evaluation.
2. After admission and denial at the first hearing of the suit under order X Rule 1 CPC and where it appears to the court that there exists elements of settlement the parties may be advised to adopt any alternative method of dispute resolution. Before exercise of option by the parties, the court shall explain to them the particular mode of settlement and shall make them understand that:-
 - i) It will be in the advantage of the parties, so far as time and expenses are concerned, to opt for one of the modes of settlement rather than seek a trial.

- ii) Where there is no relationship between the parties they may seek reference of the matter to the arbitrators.
 - iii) Where there is relationship between the parties which is required to be preserved, it will be in the interest of parties to seek a reference of the matter to the conciliation or mediation, particularly in matrimonial, maintenance and child custody matters.
 - iv) Where the parties are interested in streamline discovery and other pre-trial aspects of the case they may seek reference of the matter to case evaluation.
 - v) Where the parties are interested in the final settlement which may lead to a compromise it will be in the interest of parties to seek judicial settlement.
3. The mediator shall be appointed by the parties or by court, who shall facilitate discussion between parties, directly or through mediator who shall assist parties in identifying issues, reducing misunderstanding, clarifying priorities, exploring areas of compromise, generating options in an attempt to solve the dispute, emphasise that it is the parties own responsibility for making decisions which effect them.
4. Case evaluation means the processes by which an evaluator appointed by the parties or by the court, evaluates the subject matter of litigation, apply legal theories, examine evidence and assist parties in narrowing the legal

and factual issues in the case that may also provide a basis of settlement discussions.

5. Judicial settlement means settlement by way of compromise before the court.
6. Where the parties do not agree to adopt any mode of ADR or where the matter is referred for settlement through ADR and it is not settled within specified time the court shall proceed with the suit in accordance with law.
7. The procedure and mode of maintaining the panel of mediators.
8. The qualifications of the person to be enlisted in the panel of mediators.
9. Disqualifications of persons from being enlisted as mediators.
10. The code of conduct for the mediators.
11. The power of court to cancel the appoint and remove the mediator from penal.
12. The procedure to be adopted for mediation.
13. Mediator not bound by Qanun-e-Shahadat Order, 1984 and Code of Civil Procedure, 1908.
14. The mediator shall merely facilitate the parties in arriving at the settlement and shall not give any decision. The settlement/decision shall be taken by the parties themselves.
15. The time limit for mediation shall be 60 days.
16. All the informations received by the mediator and the parties shall be confidential.

17. If the parties desire that the settlement may be incorporated in the decree, the court with the consent of parties shall pass decree in accordance with the settlement.

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| Session 13 : Lecture on Order XI Rules 1 to 23 CPC. Wednesday 19-12-2007. |
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Aims and Objects:

At the end of session, the trainee officers will be able to know:-

1. The procedure of discovery through interrogatories.
2. The procedure of giving permission by the court in respect of particular interrogatories.
3. The forms of interrogatories.
4. The procedure of raising objection to the interrogatories.
5. The interrogatories shall be answered by affidavit within 10 days.
6. The form of affidavit in answer.
7. The procedure for the discovery of the documents in possession or power of the other party.
8. Power of the court to give direction for production of documents.
9. Every party to the suit shall be entitled to inspect the documents in possession or power of other party and to take copy thereof.
10. The form of notice to produce documents.
11. The party to whom notice is given for production of documents, shall allow the other party to inspect the documents within 10 days.

12. The power of the court to give direction for supplying copies of the entries in business book.
13. Where any party fails to comply with any order to answer interrogatories or for discovery or inspection of documents, he shall if a plaintiff, be liable to have his suit dismissed for want of prosecution and, if a defendant, to have his defence struck out.
14. The answers to interrogatories may be used in evidence.

**Eid Holidays 20-12-2007 to 24-12-2004 and Public Holiday
on 25-12-2007 on account of Birth Day of Quaid-e-Azam.**

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| Session 14 : Lecture on Order XII Rules 1 to 9 CPC. Wednesday 26-12-2007. |
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Aims and Objects:

At the end of session, the trainee officers will be able to know that:-

1. Any party to a suit may give notice by his pleading or otherwise in writing that he admits the whole or any part of the case of any other party.
2. Either party may call upon the other party to admit any document in Form No.9 Appendix C, CPC.
3. Any party may by notice in writing, at any time not later than nine days before the day fixed for hearing call on any other party to admit, for the purposes of suit only, any specific fact mention in such notice and in case of refusal or neglect to admit the same within six days, the cost of proving such fact shall be paid by the party neglecting or refusing.
4. The admission made in pursuance of such notice shall be confined for the purpose of particular suit only; and not as an admission to be used against the party on any other occasion or in favour of any person other than the party giving the notice.
5. Any party may at any stage of a suit where admissions of fact have been made may apply the court for judgment upon such admissions without waiting for determination of any other question between the parties.

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| Session 15 : Lecture on Order XIII Rules 1 to 11 CPC.Thursday 27-12-2007. |
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Aims and Objects:

At the end of session, the trainee officers will be able to know that:-

1. The parties shall produce at the first hearing of the suit all the documentary evidence in their possession or power on which they intend to rely and all documents which the court has ordered to be produced.
2. The documents produced shall be accompanied by a list thereof.
3. On production of documents the court may call upon the parties to admit or deny the documents produced in court and record their admission or denial as the case may be.
4. If a document is not produced as above they shall not be received at any subsequent stage unless good cause is shown to the satisfaction of the court and the court receiving such evidence shall record reasons for so doing.
5. The court may at any stage of suit reject the irrelevant/inadmissible documents recording ground of rejection.
6. The endorsements which are to be made on documents admitted in evidence.

7. The procedure to be adopted for admitting entries in the books, accounts and record.
8. Endorsement to be made on the documents rejected as inadmissible.
9. The power of court for impounding the documents.
10. The stage and procedure for return of admitted documents.
11. The procedure to be adopted to send for papers from its own record or from other courts.

**Session 16 : Lecture on Order XIV Rules 1 to 7
And Order XV Rules 1 to 4 CPC.**

**Friday
28-12-2007.**

Aims and Objects:

At the end of session, the trainee officers will be able to know that:-

1. The issues are framed on material propositions of fact or law raised by one party and denied by the other.
2. What is meant by material proposition?
3. Kinds of issues.
4. The Circumstances under which preliminary issues are framed.
5. Materials from which issues may be framed.
6. Court may examine witnesses and documents before framing issues.
7. Power of the court to amend or strike out issues or frame additional issued before passing a decree.
8. The parties may agree on any question of fact or of law to be decided and to abide with the finding of the court.
9. The court if satisfied that agreement was executed in good faith may pronounce judgment according to the terms of agreement and pass a decree.

10. Where the court finds at the first hearing that the parties are not at issue on any question of law and fact; the court may at once pronounce the judgment.
11. Where one of the several defendants is not at issue with the plaintiff on any question of law and fact, the court may at once pronounce judgment for or against such defendants and the suit shall proceed only against other defendants.
12. The court may ask the parties to adduce the evidence forthwith and pronounce the judgment accordingly.
13. If summons have been issued for final disposal of the suit and either party fails to produce the evidence the court may at once pronounce judgment or may adjourn the suit for production of the evidence.

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| Session 17 : Lecture on Order XVI Rules 1 to 21 CPC.Saturday 29-12-2007. |
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Aims and Objects:

At the end of session, the trainee officers will be able to know that:-

1. Not later than seven days after the settlement of issues the parties shall present in court a list of witnesses.
2. A party shall not be permitted to call witnesses other than contained in the list except with the permission of the court.
3. No summons shall be issued for service by court unless application in that behalf is submitted at least fourteen days before the date of hearing and necessary expenses have been deposited.
4. The time place and purpose of attendance is to be specified in summons and further whether his attendance is required for the purpose of giving evidence or to produce a document or for both. Particulars of the documents shall be described in the summons.
5. A person may be summoned to produce a document, without giving evidence and if the document is caused to be produced instead of attending personally, it shall be sufficient compliance.
6. The court may require any person present in court to give evidence or produce documents then and there, in his possession.

7. Normally the summons shall be served on the witnesses by the parties themselves.
8. Reasonable time shall be allowed to the witnesses to appear in court.
9. If a witness fails to comply with the summons, the court shall verify the fact of service by statement of Serving Officer on oath and thereafter may issue proclamation as well as warrant for arrest and attachment of his property.
10. If the witnesses appears his attachment may be withdrawn.
11. If a witness fails to appear the court may impose fine upon him not exceeding 2000 rupees.
12. The court may call court witnesses on its own.
13. The persons summoned and attending shall attend the hearing until the suit has been disposed of.
14. No person living outside Pakistan shall be asked to attend the court in person.

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| Session 18 : Lecture on Order XVII Rules 1 to 5 And Order XVIII Rules 1 to 18 CPC. Monday 31-12-2007. |
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Aims and Objects:

At the end of session, the trainee officers will be able to know, that:-

1. The court is empowered to adjourn the hearing of suit but it shall be for sufficient cause.
2. The court is empowered to impose cost for adjournment.
3. Once the hearing of evidence has begun, the hearing of suit shall be continued day to day until all the witnesses in attendance have been examined.
4. If on the date of hearing parties or any of them fail to appear, the court may proceed to dispose of the suit in one of the modes directed by Order IX or make such other order as it thinks fit.
5. If on the date fixed for producing evidence, any party to suit fails to produce the witnesses or to perform any other act the court may decide the suit forthwith.
6. Where a suit is set down for a day which is a holiday the parties shall appear on the first opening day.

7. If the Presiding Officer is absent, the parties shall still appear in court and the Ministerial Officer shall hand over to the parties slips of paper specifying the other day fixed for proceeding. It shall be signed by him.
8. The plaintiff has a right to begin unless the defendant admits the facts alleged by the plaintiff.
9. On the day fixed for hearing the party having right to begin shall state to his case and produce his evidence.
10. Thereafter the other party shall state his case and produce his evidence.
11. The witnesses are to be examined orally in open court under the personal direction of the Judge.
12. In appealable cases the evidence of each witnesses shall be taken down in writing not in the form of question and answer but in that a narrative. The deposition shall be signed by Judge.
13. In non-appealable cases entire evidence may not be recorded in writing, but the substance of what each witness deposes, shall be written and signed by the Judge.
14. The court on its own or on the application of any party may take down any particular question and answer with any objection to any question.
15. Where objections are raised to any question and the court allows the same to be put, the Judge shall take down the question, the answer, the objection and the name of the person making it, together with the decision of the court.
16. The court may record demeanour of any witness.

17. The evidence recorded by a Judge shall be considered by his successor.
18. Where the witnesses is about to leave the jurisdiction of court or other sufficient cost is shown, his evidence should be taken immediately by the court upon the application of any party or the witness at any time after the institution of the suit.
19. Where such evidence is not taken forthwith the court shall fix a day for the examination.
20. The court may at any stage recall any witness and put such question to him as court thinks fit.
21. The court may at any stage of suit inspect any property or thing concerning which any question may arise.