

preface to the eleventh edition

Sarkar's Civil Court Practice and Procedure Manual needs no introduction. The entire subject has been reviewed. Three new chapters have been added and important case laws have been explained at appropriate places to make the subject exhaustive, meaningful and helpful to all.

A separate chapter has been introduced on 'Practice and Procedure' which candidly deals with framework of the subject with a view to apprise a new entrant, of basic work procedure, into the legal profession.

Similarly, another chapter on 'Fast Track Courts' have been added in view of the mandate of Article 21 of the Constitution for speedy justice. The institution of Fast Track Courts has achieved its laudable object of speedy disposal of pending cases and speedy justice to a litigant.

Further, another chapter on 'Legal Service Authority Act, 1987' and 'Lok Adalats' has been added wherein cases are settled on the basis of compromise. This monumental work undoubtedly serves as a guide to make the reader conversant with the provisions of law and latest judicial decisions on various topics dealt with. Every effort has been made to make the subject illustrative.

March 20, 2009 SUDIPTO SARKAR

preface to the tenth edition

This work, now stepping into its tenth edition once again after an interval of nearly ten years, there is no gainsaying as evidenced by its steady popularity, has proved extremely useful over the years to newcomers and senior members alike of the profession, as well as to Judges. In spite of keen willingness to bring out this edition, considering the great demand of the books, within a reasonable span of time since the immediately earlier one went out of print, nothing could be put into concrete shape, until much recently, to transform the desire into a much-awaited reality for various reasons. Now that it has ultimately come out after a long period of uncertainty overlapping its period of actual gestation even, the practical users may feel overall satisfaction.

The necessity of such a work cannot be overemphasized since neophytes—and even experienced lawyers now and then—find themselves in a quandary as to how to proceed properly in day-to-day Court engagements, left as they are surrounded by heaps of case-laws of all sorts marking each page. With nothing in the shape of a practical book, irrespective of the chance or fortune of being helped by a sound mentor or senior in the line, to guide a newcomer on the right track and make him conversant consistently and layer by layer with the intricate practice and procedure of a Civil Court, as we as with the large variety and number of rules governing judicial business, it becomes very difficult for the young beginner to negotiate the uncharted terrain in professional life. Because the materials in the Civil Code are so wide, complex and diverse in nature that may sometime baffle even a mature mind, and to claim, even for an experienced lawyer, conversance with every aspect of it, minute or otherwise, is but a futile exercise. Also, it is no easy task to assimilate the unwieldy materials, which is what the discerning author used to warn about.

It may be worthwhile to note that the forms, various types as they are of, have been included and recast wherever necessary, keeping in view the changed circumstances, let apart fresh additions. The book makes a special treatment

of two most vital aspects which are the primary requirements for one, i.e. the art of advocacy and the art of cross-examination, which many a lawyer, notwithstanding his range and scholarship, fails to master or acquire sufficiently and virtually to make any appreciable headway in his career.

Lastly, in bringing out this edition, great help has been received from the Publishers' Editorial Board, which is recorded herein with deep gratitude.

We hope that the readers and users of this book would continue to maintain their confidence in the book as they have done in past. We shall be grateful if readers coming across any error or omission bring it to our notice.

July 14, 1997 SUDIPTO SARKAR
V.R. MANOHAR

preface to the sixth edition

The last edition went out of print several years ago, but in spite of there being a steady demand for the book my other engagements kept me so very occupied that no new edition could be taken in hand.

Some modification in the plan of the book with a view to make it more useful and the accumulation of fresh materials during these years have necessitated the entire rewriting of the book.

Proceedings in the Civil Court are mostly governed by the Civil Procedure Code—a massive Code containing innumerable rules on as many topics. Without acquiring proficiency in the law of Civil Procedure, it is not possible for any lawyer to get on with his daily work in and out of court efficiently and that proficiency cannot be gained without a thorough study of the rules in the C.P. Code.

The entrant in the profession having a ponderous edition of the Code before him strewn with heaps of case-laws of sorts on every page gets bewildered. With no acquaintance with the practical side of Court-work he naturally feels difficulty in having a clear and consistent idea of the practice or procedure in Civil Court and of the rules regulating the conduct of judicial business, because the diverse and vast materials in the Code are scattered over a wide area. It is no easy job to assimilate them and to spin out a connected whole for purpose of practical and ready application.

This book is designed to afford help in that direction so that the task of the young lawyer or the Judge may be rendered easier. The rules in the Code have been boiled down, rearranged systematically as far as possible in their logical sequence and stated concisely with explanatory notes wherever necessary. The entire life story of a suit from institution down to execution in its successive stages (*viz.*, taking instructions, drawing up plaint, institution, service of summons, drafting written statement, preparation for trial by discovery, inspection, etc., summoning witnesses, interlocutory proceedings, hearing of suit, examination of witnesses, arguments, judgment, execution, sale, etc. etc.), have been traced out step by step indicating clearly the procedure to be adopted or what is to be done or avoided at each stage.

In order that they may be clearly understood and conveniently remembered the substantive law in the body of the Code and the connected but scattered rules in the Order portion concerned with its details have been pieced together and stated at one place. Cross-references interrelating the sections and rules have been freely given throughout and important cases enunciating principles of law or procedure have been embodied.

Part II contains information relating to Acts other than the C.P. Code which are in frequent use in the Civil Courts.

Part III contains many forms of Pleadings, Petitions, Deeds, etc.

A glance at the contents of the book and the various topics will give an idea of the wide range of subjects covered.

It may well be hoped that the book will enable the young lawyer to have a clear insight into the practical side of his work and to perform his many onerous duties with efficiency; but it is expected that he should read it many times over with such attention as must necessarily be employed in the study of a complex and vast subject like the Civil Procedure Code.

Calcutta

January 1951 S.C. Sarkar