

Preface

An acclaimed classic that has been in existence for more than three quarters of a century without losing any of its sheen or usefulness, was sure to present some difficulties in revision. The arrangement of the book as conceived and adopted by Sir DF Mulla and maintained by successive editors, is avowedly different from other books on the same subject, which made the task of revision further difficult.

The object of the present work, as conceived by Sir Mulla, is to give an idea to the student of law, of the practice and procedure in the conduct of suits in and out of court. The Code of Civil Procedure 1908 is a voluminous statute and it is impossible for anyone, especially a student, to go through the entire code and understand the same or be able to distinguish relevant provisions. The work is a clear and brief exposition of the important provisions of the Code and gives an overview of the conduct of civil suits in Indian courts. It is in the form of lectures that were fourteen in number earlier. Now in view of section 89 CPC, a new chapter on 'Alternative Dispute Redressal Mechanisms' (ADRs) has been added. In these chapters, the course of an ordinary suit is followed from the moment the plaintiff determines to sue till the time he obtains a decree and thereafter it follows appeal by the defendant and further appeals. This method of treatment has been adopted so as to enable the student not only to understand the provisions of the Code, but also to see how these provisions are applied in practice.

Every important section of the Code has been noted in its appropriate place supplemented with latest decisions and efforts have been made to make the work as useful as possible to all readers, not only as a guide to Indian practice but also as a readable summary of the Code arranged in a manner best suited to the requirements of beginners in the study of law. The work has been written in a special narrative form that gives it a very personal touch distinguishing it from other books on the subject. Loyalty to the original form and style has been maintained while incorporating the change in language of the pleadings and terminology. Moreover, an attempt has been made to substitute the latest case law laid down by the Supreme Court as well as various High Courts in place of old case law. The last edition in 2003 and since then the law through judicial decisions has undergone a change, which has been duly incorporated at the appropriate places.

I take this opportunity to seek blessings of my parents and teachers, to thank my wife, children and other family members, to express gratitude my dear friends and esteemed colleagues Dr Sudhir Kumar Jain, Sh Sanjay Kumar, Ms Neena Krishna Bansal, Ms Shalinder Kaur, Ms Sarita Birbal and all those who guided me and gave valuable suggestions in my work on this new edition. I express my sincere thanks to M/s LexisNexis, Butterworths, New Delhi, for their support in publishing the book in its present form, especially Ms Pankhuri Shrivastava Publishing Manager, Ms Sheeba Bhatnagar and Ms Richa Kachhwaha, Senior Legal Editors, for providing all the necessary input, material and support, as well as

Ms Debarati Banerjee, Commissioning Editor.

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