

DETAILED CONTENTS

REPEALING AND AMENDING ACT, 2025 (37 of 2025), dt. 20-12-2025	(xiii)
RELEVANT EXTRACTS FROM MEDIATION ACT, 2023	(xiv)
COMPARATIVE CHART OF PROVISIONS, CODE OF CIVIL PROCEDURE (AMDT.) ACT, 1999 (ACT 46 OF 1999) AND CODE OF CIVIL PROCEDURE (AMDT.) ACT, 2002 (ACT 22 OF 2002)	(xxvii-xlvi)

THE CODE OF CIVIL PROCEDURE, 1908

PRELIMINARY

1. Short title, commencement and extent	1
2. Definitions	1
3. Subordination of Courts	5
4. Savings	5
5. Application of the Code of Revenue Courts	5
6. Pecuniary jurisdiction	6
7. Provincial Small Cause Courts	6
8. Presidency Small Cause Courts	6

PART I

SUITS IN GENERAL

JURISDICTION OF THE COURTS AND RES JUDICATA

9. Courts to try all civil suits unless barred	7
10. Stay of suit	8
11. Res judicata	9
12. Bar to further suit	11
13. When foreign judgment not conclusive	11
14. Presumption as to foreign judgments	12

PLACE OF SUING

15. Court in which suits to be instituted	12
16. Suits to be instituted where subject matter situate	12
17. Suits for immovable property situate within jurisdiction of different courts	13
18. Place of institution of suit where local limits of jurisdiction of courts are uncertain	13
19. Suits for compensation for wrongs to person or movables	13
20. Other suits to be instituted where defendants reside or cause of action arises	13
21. Objections to jurisdiction	15
21A. Bar on suit to set aside decree on objection as to place of suing	15
22. Power to transfer suits which may be instituted in more than one court	15
23. To what court application lies	16
24. General power of transfer and withdrawal	16
25. Power of Supreme Court to transfer suits, etc.	17

	<i>INSTITUTION OF SUITS</i>	
26.	Institution of suits	18
	<i>SUMMONS AND DISCOVERY</i>	
27.	Summons to defendants	18
28.	Service of summons where defendant resides in another State	18
29.	Service of foreign summonses	18
30.	Power to order discovery and the like	19
31.	Summons to witness	19
32.	Penalty for default	19
	<i>JUDGMENT AND DECREE</i>	
33.	Judgment and decree	19
	<i>INTEREST</i>	
34.	Interest	19
	<i>COSTS</i>	
35.	Costs	20
35A.	Compensatory costs in respect of false or vexatious claims or defences	22
35B.	Costs for causing delay	23
	PART II	
	EXECUTION	
	<i>GENERAL</i>	
36.	Application to orders	23
37.	Definition of Court which passed a decree	24
	<i>COURTS BY WHICH DECREES MAY BE EXECUTED</i>	
38.	Court by which decree may be executed	24
39.	Transfer of decree	24
40.	Transfer of decree to court in another State	25
41.	Result of execution proceedings to be certified	25
42.	Powers of court in executing transferred decree	25
43.	Execution of decrees passed by Civil Courts in places to which this Code does not extend	26
44.	Execution of decrees passed by Revenue Courts in places to which this Code does not extend	26
44A.	Execution of decrees passed by Courts in reciprocating territory	26
45.	Execution of decrees outside India	27
46.	Precepts	27
	<i>QUESTIONS TO BE DETERMINED BY COURT EXECUTING DECREE</i>	
47.	Questions to be determined by the court executing decree	27
	<i>LIMIT OF TIME FOR EXECUTION</i>	
48.	Execution barred in certain cases	29
	<i>TRANSFEREES AND LEGAL REPRESENTATIVES</i>	
49.	Transferee	29
50.	Legal representative	29
	<i>PROCEDURE IN EXECUTION</i>	
51.	Powers of court to enforce execution	30

DETAILED CONTENTS

(xix)

52.	Enforcement of decree against legal representative	31
53.	Liability of ancestral property	31
54.	Partition of estate or separation of share	31
	<i>ARREST AND DETENTION</i>	
55.	Arrest and detention	31
56.	Prohibition of arrest or detention of women in execution of decree for money	32
57.	Subsistence allowance	33
58.	Detention and release	33
59.	Release on ground of illness	33
	<i>ATTACHMENT</i>	
60.	Property liable to attachment and sale in execution of decree	34
61.	Partial exemption of agricultural produce	37
62.	Seizure of property in dwelling house	37
63.	Property attached in execution of decrees of several courts	37
64.	Private alienation of property after attachment to be void	37
	<i>SALE</i>	
65.	Purchaser's title	38
66.	<i>[Repealed]</i>	38
67.	Power for State Government to make rules as to sales of land in execution of decrees for payment of money	38
	<i>DELEGATION TO COLLECTOR OF POWER TO EXECUTE DECREES AGAINST IMMOVABLE PROPERTY</i>	
68 to 72—	<i>[Repealed]</i>	38
	<i>DISTRIBUTION OF ASSETS</i>	
73.	Proceeds of execution-sale to be rateably distributed among decree-holders	38
	<i>RESISTANCE TO EXECUTION</i>	
74.	Resistance to execution	39
	PART III	
	INCIDENTAL PROCEEDINGS	
	<i>COMMISSIONS</i>	
75.	Power of court to issue commissions	39
76.	Commission to another court	40
77.	Letter of request	40
78.	Commissions issued by foreign courts	40
	PART IV	
	SUITS IN PARTICULAR CASES	
	<i>SUITS BY OR AGAINST THE GOVERNMENT OR PUBLIC OFFICERS IN THEIR OFFICIAL CAPACITY</i>	
79.	Suits by or against Government	41
80.	Notice	41
81.	Exemption from arrest and personal appearance	43
82.	Execution of decree	43

<i>SUITS BY ALIENS AND BY OR AGAINST FOREIGN RULERS, AMBASSADORS AND ENVOYS</i>	
83. When aliens may sue	43
84. When foreign States may sue	43
85. Persons specially appointed by Government to prosecute or defend on behalf of foreign Rulers	44
86. Suits against foreign Rulers, Ambassadors and Envoys	44
87. Style of foreign Rulers as parties to suits	45
87A. Definitions of "foreign State" and "Ruler"	45
<i>SUITS AGAINST RULERS OF FORMER INDIAN STATES</i>	
87B. Application of sections 85 and 86 to Rulers of former Indian States	45
<i>INTERPLEADER</i>	
88. Where interpleader suit may be instituted	46
PART V	
SPECIAL PROCEEDINGS	
<i>ARBITRATION</i>	
89. Settlement of disputes outside the Court	46
<i>SPECIAL CASE</i>	
90. Power to state case for opinion of court	47
<i>PUBLIC NUISANCES AND OTHER WRONGFUL ACTS AFFECTING THE PUBLIC</i>	
91. Public nuisances	47
92. Public charities	48
93. Exercise of powers of Advocate-General outside Presidency towns	49
PART VI	
SUPPLEMENTAL PROCEEDINGS	
94. Supplemental proceedings	50
95. Compensation for obtaining arrest, attachment or injunction on insufficient grounds	50
PART VII	
APPEALS	
<i>APPEALS FROM ORIGINAL DECREES</i>	
96. Appeal from original decree	51
97. Appeal from final decree where no appeal from preliminary decree	52
98. Decision where appeal heard by two or more Judges	52
99. No decree to be reversed or modified for error or irregularity not affecting merits or jurisdiction	53
99A. No order under section 47 to be reversed or modified unless decision of the case is prejudicially affected	53
<i>APPEALS FROM APPELLATE DECREES</i>	
100. Second appeal	53
100A. No further appeal in certain cases	54
101. Second appeal on no other grounds	54
102. No second appeal in certain cases	54
103. Power of High Court to determine issue of fact	54

<i>APPEALS FROM ORDERS</i>	
104. Orders from which appeal lies	54
105. Other orders	55
106. What Courts to hear appeals	55
<i>GENERAL PROVISIONS RELATING TO APPEALS</i>	
107. Powers of appellate court	55
108. Procedure in appeals from appellate decrees and orders	55
<i>APPEALS TO THE SUPREME COURT</i>	
109. When appeals lie to the Supreme Court	55
110. Value of subject matter [<i>Omitted</i>]	56
111. Bar of certain appeals [<i>Omitted</i>]	56
111A. Appeals to Federal Court [<i>Omitted</i>]	56
112. Savings	56
PART VIII	
REFERENCE, REVIEW AND REVISION	
113. Reference to High Court	56
114. Review	56
115. Revision	57
PART IX	
SPECIAL PROVISIONS RELATING TO THE HIGH COURTS NOT BEING THE COURT OF A JUDICIAL COMMISSIONER	
116. Part to apply only to certain High Courts	58
117. Application of Code to High Courts	58
118. Execution of decree before ascertainment of costs	58
119. Unauthorised persons not to address court	58
120. Provisions not applicable to High Court in original civil jurisdiction	58
PART X	
RULES	
121. Effect of rules in First Schedule	58
122. Power of certain High Courts to make rules	58
123. Constitution of Rule Committees in certain States	58
124. Committee to report to High Court	59
125. Power of other High Courts to make rules	59
126. Rules to be subject to approval	59
127. Publication of rules	59
128. Matters for which rules may provide	59
129. Power of High Courts to make rules as to their original civil procedure	60
130. Power of other High Courts to make rules as to matters other than procedure	60
131. Publication of rules	61
PART XI	
MISCELLANEOUS	
132. Exemption of certain women from personal appearance	61
133. Exemption of other persons	61
134. Arrest other than in execution of decree	61

135. Exemption from arrest under civil process	61
135A. Exemption of members of legislative bodies from arrest and detention under civil process	62
136. Procedure where person to be arrested or property to be attached is outside district	62
137. Language of subordinate Courts	63
138. Power of High Court to require evidence to be recorded in English	63
139. Oath on affidavit by whom to be administered	63
140. Assessors in causes of salvage, etc.	64
141. Miscellaneous proceedings	64
142. Orders and notices to be in writing	64
143. Postage	64
144. Application for restitution	64
145. Enforcement of liability of surety	65
146. Proceedings by or against representatives	65
147. Consent or agreement by persons under disability	66
148. Enlargement of time	66
148A. Right to lodge a caveat	66
149. Power to make up deficiency of court fees	66
150. Transfer of business	66
151. Saving of inherent powers of court	67
152. Amendment of judgments, decrees or orders	67
153. General power to amend	67
153A. Power to amend decree or order where appeal is summarily dismissed	67
153B. Place of trial to be deemed to be open court	67
154. Saving of present right of appeal [<i>Repealed</i>]	68
155. Amendment of certain Acts [<i>Repealed</i>]	68
156. Repeals	68
157. Continuance of orders under repealed enactments	68
158. Reference to Code of Civil Procedure and other repealed enactments	68
SCHEDULE I	
ORDER I—PARTIES TO SUITS	69
ORDER II—FRAME OF SUIT	72
ORDER III—RECOGNISED AGENTS AND PLEADERS	73
ORDER IV—INSTITUTION OF SUITS	75
ORDER V	
ISSUE AND SERVICE OF SUMMONS	75
ISSUE OF SUMMONS	75
SERVICE OF SUMMONS	77
ORDER VI—PLEADINGS GENERALLY	83
ORDER VII	
PLAINT	86
DOCUMENTS RELIED ON IN PLAINT	90
ORDER VIII—WRITTEN STATEMENT, SET OFF AND COUNTER CLAIM	91

ORDER IX	
APPEARANCE OF PARTIES AND CONSEQUENCE OF NON-APPEARANCE	97
SETTING ASIDE DECREES EX PARTE	99
ORDER X—EXAMINATION OF PARTIES BY THE COURT	100
ORDER XI	
DISCLOSURE, DISCOVERY AND INSPECTION OF DOCUMENTS IN SUITS BEFORE THE COMMERCIAL DIVISION OF A HIGH COURT OR A COMMERCIAL COURT	101
ORDER XII—ADMISSIONS	118
ORDER XIII—PRODUCTION, IMPOUNDING AND RETURN OF DOCUMENTS	119
ORDER XIII-A—SUMMARY JUDGMENT	122
ORDER XIV—SETTLEMENT OF ISSUES AND DETERMINATION OF SUIT ON ISSUES OF LAW OR ON ISSUES AGREED UPON	124
ORDER XV—[Omitted]	126
ORDER XV-A—CASE MANAGEMENT HEARING	131
ORDER XVI—SUMMONING AND ATTENDANCE OF WITNESSES	133
ORDER XVI-A—ATTENDANCE OF WITNESSES CONFINED OR DETAINED IN PRISONS	138
ORDER XVII—ADJOURNMENTS	139
ORDER XVIII—HEARING OF THE SUIT AND EXAMINATION OF WITNESSES	140
ORDER XIX—AFFIDAVITS	145
ORDER XX—JUDGMENT AND DECREE	148
ORDER XX-A—COSTS	152
ORDER XXI	
EXECUTION OF DECREES AND ORDERS	153
PAYMENT UNDER DECREE	153
COURTS EXECUTING DECREES	154
APPLICATION FOR EXECUTION	155
PROCESS FOR EXECUTION	160
STAY OF EXECUTION	160
MODE OF EXECUTION	161
ARREST AND DETENTION IN THE CIVIL PRISON	164
ATTACHMENT OF PROPERTY	165
ADJUDICATION OF CLAIMS AND OBJECTIONS	174
SALE GENERALLY	175
SALE OF MOVABLE PROPERTY	178
SALE OF IMMOVABLE PROPERTY	180
RESISTANCE TO DELIVERY OF POSSESSION TO DECREE HOLDER OR PURCHASER	183
ORDER XXII—DEATH, MARRIAGE AND INSOLVENCY OF PARTIES	185
ORDER XXIII—WITHDRAWAL AND ADJUSTMENT OF SUITS	188
ORDER XXIV—PAYMENT INTO COURT	190
ORDER XXV—SECURITY FOR COSTS	191
ORDER XXVI	
COMMISSIONS	191
COMMISSIONS TO EXAMINE WITNESSES	191
COMMISSIONS FOR LOCAL INVESTIGATIONS	193
COMMISSIONS FOR SCIENTIFIC INVESTIGATION, PERFORMANCE OF MINISTERIAL ACT AND SALE OF MOVABLE PROPERTY	194
COMMISSIONS TO EXAMINE ACCOUNTS	194

COMMISSIONS TO MAKE PARTITIONS	195
GENERAL PROVISIONS	195
COMMISSIONS ISSUED AT THE INSTANCE OF FOREIGN TRIBUNALS	197
ORDER XXVII —SUITS BY OR AGAINST THE GOVERNMENT OF PUBLIC OFFICERS IN THEIR OFFICIAL CAPACITY	198
ORDER XXVII-A —SUITS INVOLVING A SUBSTANTIAL QUESTION OF LAW AS TO THE INTERPRETATION OF THE CONSTITUTION OR AS TO THE VALIDITY OF ANY STATUTORY INSTRUMENT	200
ORDER XXVIII —SUITS BY OR AGAINST MILITARY OR NAVAL MEN OR AIRMEN	201
ORDER XXIX —SUITS BY OR AGAINST CORPORATIONS	201
ORDER XXX —SUITS BY OR AGAINST FIRMS AND PERSONS CARRYING ON BUSINESS IN NAMES OTHER THAN THEIR OWN	202
ORDER XXXI —SUITS BY OR AGAINST TRUSTEES, EXECUTORS AND ADMINISTRATORS	204
ORDER XXXII —SUITS BY OR AGAINST MINORS AND PERSONS OF UNSOUND MIND	205
ORDER XXXII-A —SUITS RELATING TO MATTERS CONCERNING THE FAMILY	209
ORDER XXXIII —SUITS BY INDIGENT PERSONS	211
ORDER XXXIV —SUITS RELATING TO MORTGAGES OF IMMOVABLE PROPERTY	215
ORDER XXXV —INTERPLEADER	222
ORDER XXXVI —SPECIAL CASE	223
ORDER XXXVII —SUMMARY PROCEDURE	224
ORDER XXXVIII	
ARREST AND ATTACHMENT BEFORE JUDGMENT	227
ARREST BEFORE JUDGMENT	227
ATTACHMENT BEFORE JUDGMENT	228
ORDER XXXIX	
TEMPORARY INJUNCTIONS AND INTERLOCUTORY ORDERS	229
TEMPORARY INJUNCTIONS	229
INTERLOCUTORY ORDERS	231
ORDER XL —APPOINTMENT OF RECEIVERS	233
ORDER XLI	
APPEALS FROM ORIGINAL DECREES	234
STAY OF PROCEEDINGS AND OF EXECUTION	235
PROCEDURE ON ADMISSION OF APPEAL	236
PROCEDURE ON HEARING	237
JUDGMENT IN APPEAL	240
DECREE IN APPEAL	242
ORDER XLII —APPEALS FROM APPELLATE DECREES	242
ORDER XLIII —APPEALS FROM ORDERS	243
ORDER XLIV —APPEALS BY INDIGENT PERSONS	244
ORDER XLV —APPEALS TO THE SUPREME COURT	245
ORDER XLVI —REFERENCE	248
ORDER XLVII —REVIEW	250
ORDER XLVIII —MISCELLANEOUS	252
ORDER XLIX —CHARTERED HIGH COURTS	252
ORDER L —PROVINCIAL SMALL CAUSES COURTS	253

ORDER LI—PRESIDENCY SMALL CAUSE COURTS	253
APPENDICES TO SCHEDULE I	
APPENDIX A—PLEADINGS	254
APPENDIX B—PROCESS	277
APPENDIX C—DISCOVERY, INSPECTION AND ADMISSION	285
APPENDIX D—DECREES	289
APPENDIX E—EXECUTION	316
APPENDIX F—SUPPLEMENTAL PROCEEDINGS	336
APPENDIX G—APPEAL, REFERENCE AND REVIEW	341
APPENDIX H—MISCELLANEOUS	347
SCHEDULE II—ARBITRATION	357
SCHEDULE III—EXECUTION OF DECREES BY COLLECTORS	357
SCHEDULE IV—ENACTMENTS AMENDED	357
SCHEDULE V—ENACTMENTS REPEALED	357
THE COMMERCIAL COURTS ACT, 2015	
CHAPTER I	
PRELIMINARY	
1. Short title, extent and commencement	358
2. Definitions	358
CHAPTER II	
COMMERCIAL COURTS, COMMERCIAL APPELLATE COURTS, COMMERCIAL DIVISIONS AND COMMERCIAL APPELLATE DIVISIONS	
3. Constitution of Commercial Courts	360
3A. Designation of Commercial Appellate Courts	360
4. Constitution of Commercial Division of High Court	361
5. Constitution of Commercial Appellate Division	361
6. Jurisdiction of Commercial Court	361
7. Jurisdiction of Commercial Divisions of High Courts	361
8. Bar against revision application or petition against an interlocutory order	362
9. [Omitted]	362
10. Jurisdiction in respect of arbitration matters	362
11. Bar of jurisdiction of Commercial Courts and Commercial Divisions	362
CHAPTER III	
SPECIFIED VALUE	
12. Determination of Specified Value	363
CHAPTER IIIA	
PRE-INSTITUTION MEDIATION AND SETTLEMENT	
12A. Pre-Institution Mediation and Settlement	363
CHAPTER IV	
APPEALS	
13. Appeals from decrees of Commercial Courts and Commercial Divisions	364
14. Expeditious disposal of appeals	365

CHAPTER V	
TRANSFER OF PENDING SUITS	
15. Transfer of pending cases	365
CHAPTER VI	
AMENDMENTS TO THE PROVISIONS OF THE CODE OF CIVIL PROCEDURE, 1908	
16. Amendments to the Code of Civil Procedure, 1908 in its application to commercial disputes	366
CHAPTER VII	
MISCELLANEOUS	
17. Collection and disclosure of data by Commercial Courts, Commercial Divisions and Commercial Appellate Divisions	366
18. Power of High Court to issue directions	366
19. Infrastructure facilities	366
20. Training and continuous education	366
21. Act to have overriding effect	366
21A. Power of Central Government to make rules	367
22. Power to remove difficulties	367
23. Repeal and savings	367
SCHEDULE	367
• GENERAL INDEX	385-394

THE FACTORING REGULATION ACT, 2011

(Act 12 of 2012), dt. 22-1-2012

The Factoring Regulation Act, 2011 (12 of 2012) made certain amendments as specified in the Schedule of the said Act including the amendment in Code of Civil Procedure, 1908 as under:

In Order XXXVI, in Rule 1, in sub-rule (2), in clause (b), after sub-clause (iii), the following sub-clause shall be inserted, namely:—

“(vi) suit for recovery of receivables instituted by any assignee of a receivable.”

NOTIFICATIONS

SO 603(E), dt. 6-6-2002

In exercise of the powers conferred by sub-section (2) of section 1 of the Code of Civil Procedure (Amendment) Act, 1999 (46 of 1999), the Central Government hereby appoints the 1st day of July, 2002, as the date on which all provisions [except clause (iii) of section 16, clause (iii) of section 18 so far as it relates to rules 9 and 10 of Order VIII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) and section 30] of the said Act shall come into force.

SO 604(E), dt. 6-6-2002

In exercise of the powers conferred by sub-section (2) of section 1 of the Code of Civil Procedure (Amendment) Act, 2002 (22 of 2002), the Central Government hereby appoints the 1st day of July, 2002, as the date on which the provisions of the said Act shall come into force.