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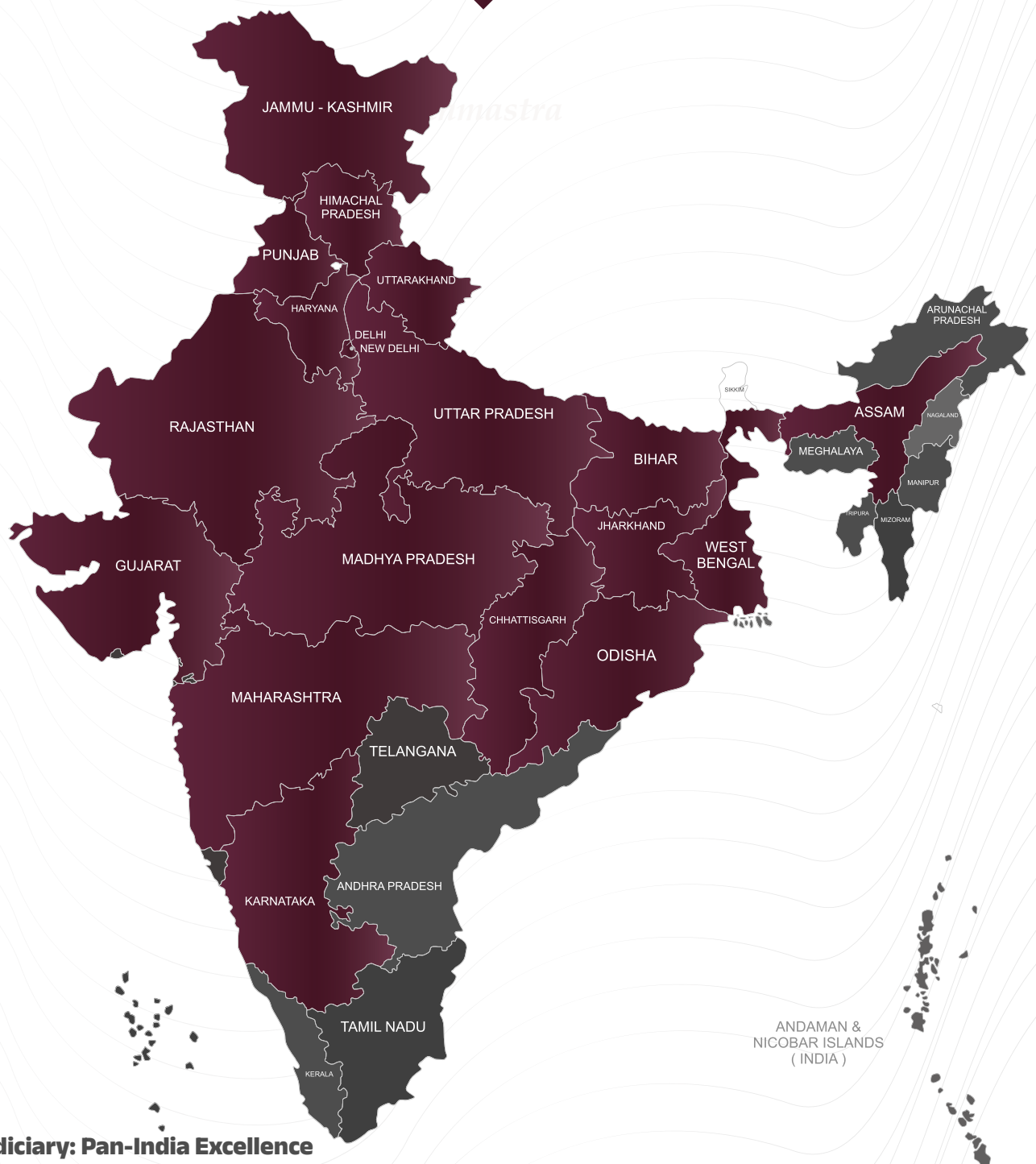


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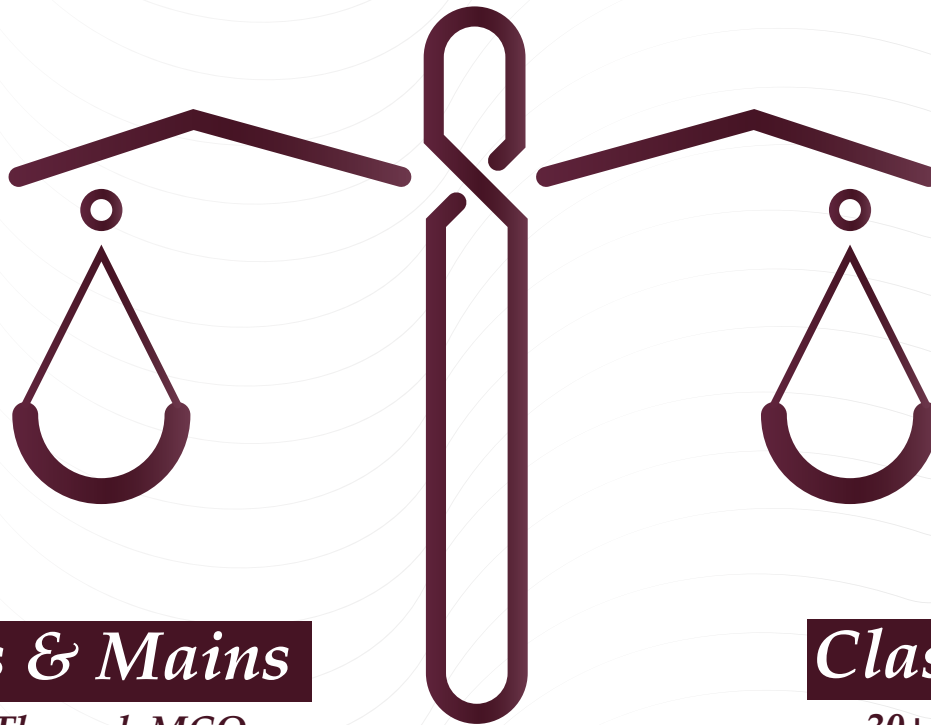
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Handwritten Notes

2. Statutory Authority

Power given by a statute.
eg- police barricading the road

3. Volenti non fit injuria

4. Act of God

5. Not Unreasonable, unlawful

The act being complained of is not unreasonable, unjustifiable, unwarranted or unlawful.

and someone opened it. Rumpung argued that this letter cannot be given in evidence as it is a communication between husband and wife. The Court said that this conversation is admissible in evidence because we are not calling wife to be a witness but if some other party reads a letter then it is admissible.

M.C. Vaughan vs. T.J. Poonan [1961]

Case

In this case it was held that husband and wife are not treated as one person before law and there is no absolute protection. Under this case, Husband wrote a letter containing defamatory imputations against wife's father and these letters were read by the father. Then, Poonan contended that the letters were inadmissible in evidence as they were barred by law under Section 122. The court held that this letter is admissible in evidence against husband (Poonan) because this section protects parties (spouse) but does not protect communication.

There are certain exceptions to s. 122-

(i) Where there are suits between husband and wife.

eg- Wife and husband for recovery of money.

Wife came to give testimony that husband loaned some money from wife and husband argues that this is confidential communication. So in this case s. 122 will not apply.

(ii) When one has committed crime against other

eg- Proceedings of cruelty, domestic violence, etc.

→ S. 122 says that the prohibition is on the spouse but not on the communication.

Case

Rumpung vs. DPP [1952]

Rumpung was prosecuted for a murder case.

A letter sent by Rumpung to his wife, which amounted to confession, was included as part of the prosecution's evidence at the trial. Rumpung had written the letter on the day of the murder and had given it to the mother of the victim in a sealed envelope, instructing her to send it as soon as possible. But this letter could not reach the wife.

Remedies for Nuisance

1. Damages

2. Injunction

eg-

Y is the owner

Neighbours start throwing garbage in front of Y's house.

Private Nuisance is committed here.

Y filed a suit

Y is entitled to get injunction so that no person throws garbage near the suit is finally decided.

3. Abatement

eg- To end (self-help)

If a person is disturbed by his neighbour playing music at night 2 am and he goes there and stops the music himself. This is known as abatement - to end the nuisance by himself.



MCQs for Practice

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3 Question Mark for Review

The Indian Independence Act, 1947 came into force on-

A 18 July, 1947

B 14 August, 1947

C 3 June, 1947

D 26 July, 1947

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2 Question Mark for Review

Which one of the following relates to transfer of power to the Indians and partition of the country?

A The Mountbatten Plan

B Simon Commission

C Cripps Mission

D Cabinet Mission Plan

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1 Question Mark for Review

What was the basis of constituting the Constituent Assembly of India?

A Wavell Plan

B 'Purna Swaraj' resolution

C Cabinet Mission Plan

D All of the above

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CruX

Territorial Jurisdiction

- In *Shugwan Das v. Girdhari Lal*, court decide the place of contract in case of telephonic contract.
- In contracts for movable goods, the place to pay or paid is considered as place where cause of action arise and also where good deliverable is considered in place where cause of action arise.
- In cases related to IPR i.e., *Madamari/Deccan/18*, section 20 will apply. In addition to that where plaintiff resides or carries on business or works for gain also considered place where cause of action party arises.

Section 16. Suits to be instituted where subject-matter situate.

Subject to the pecuniary or other limitations prescribed by any law, **suit**:

- for the recovery of immovable property with or without rent or profits,
- for the partition of immovable property,
- for foreclosure, sale or redemption in the case of a mortgage or of charge upon immovable property,
- for the determination of any right to or interest in

Section 18. Place of institution of suit where local limits of jurisdiction of different courts:-

(1) Where it is alleged to be uncertain within the local limits of the jurisdiction of which of two or more Courts any immovable property is situate, any one of those Courts may, if satisfied that there is ground for the alleged uncertainty, record a statement to that effect and thereupon proceed to entertain and dispose of any suit relating to that property, and its decree in the suit shall have the same effect as if the property were situate within the local limits of its jurisdiction: Provided that the suit is one with respect to which the Court is competent as regards the nature and value of the suit to exercise jurisdiction.

(2) Where a statement has not been recorded under sub-section (1), and objection is taken before an Appellate or Revisional Court that a decree is a suit in respect of

Section 17. Suits for immovable property situate within jurisdiction of different courts:-

Where a suit is to obtain relief respecting, or compensation for wrong to, immovable property situate within the jurisdiction of different Courts, the suit may be instituted in any Court within the local limits of whose jurisdiction any portion of the property is situate.

Provided that, in respect of the value of the subject-matter of the suit, the terms of any law relating to jurisdiction of the Court shall be complied with.

- Section 17 of the Civil Procedure Code provides that a suit for relief, compensation for wrong with respect to an immovable property which is situate in any one of the jurisdiction of different Courts may be instituted in any one of the Courts. It is provided to ensure that while determining jurisdiction in the suit, the jurisdiction of the Court must be taken into

Section 21A. Bar on suit to set aside decree on objection as to place of suing -

No suit shall be challenging the validity of a decree passed in a former suit between the same parties, or between the parties under whom they or any of them claim, brought under the same title, on any ground based on an objection as to the place of suing.

Explanation - The expression "former suit" means a suit which has been decided prior to the decision in the suit in which the validity of the decree is questioned, whether or not the previously decided suit was instituted prior to the suit in which the validity of such decree is questioned.

- According to section 21A no new suit can be filed to set aside a decree passed by a court on an objection as to the place of suing. It is a bar to separate suit.
- Explanation to section 21A is not required but still it is given there.
- Section 21A is regarding to both pecuniary and territorial jurisdiction.

Section 21. Objection to jurisdiction -

- No objection as to the place of suing shall be allowed by any Appellate or Revisional Court unless such objection was taken in the Court of first instance at the earliest possible opportunity and in all cases where suits or proceedings are settled, or in all cases where there has been a consequent failure of justice.
- No objection as to the competence of a Court with reference to the pecuniary limits of its jurisdiction shall be allowed by any Appellate or Revisional Court unless such objection was taken in the Court of first instance at the earliest possible opportunity, and in all cases where suits or proceedings are settled, or in all cases where there has been a consequent failure of justice.
- No objection as to the competence of the executing Court with reference to the local limits of its jurisdiction shall be allowed by any Appellate or Revisional Court unless such objection was taken in the executing Court at the earliest possible opportunity, and unless there has been a consequent failure of justice.

- Section 21(a) is regarding to territorial jurisdiction.
- Section 21(b) is regarding to pecuniary jurisdiction.
- Appellate court entertain the objection if -
1. Objection raised in that court at earliest possible opportunity at or before settlement of issues, and

Mains Practical Questions

Ques 1. A person entitled to the possession of specific immovable property may recover it in the manner provided by Contracted Civil Procedure, 1908. Explain with the help of Specific Relief Act.

Recovery of specific immovable immovables under Section 3 of Specific Relief Act, 1963. When a person is entitled for possession of specific immovable property, he can recover the same by filing a suit in possession (SPL) under the may file a suit for appointment as the tenant the strength of his title against a decree for appointment. Then he may exercise the decree in accordance with the provisions of SPL. He can exercise the law in his own hands and obtain possession of his property by force, nevertheless he is entitled to sue same. It is well settled principle of law that a person, who has been in a long continuous possession of the immovable property, can sue for the same by seeking injunction against any person in the world other than the true owner. It is also settled principle of law that name of the property can get back its possession only by executing the due process of law. Therefore that a suit for possession must be filed having regard to the provision of the Code of Civil Procedure.

Let also $\mathcal{U}$ be a regularity to convert semantically interpreted property to $\mathcal{U}$ and call $\mathcal{U}$ -handbook for the association. $\mathcal{U}$ can be a sub-system $\mathcal{U}'$ resulting $\mathcal{U}$ is full the universe and handbook like association.

In the case of "East India Rubber Ltd. vs. Indu-ora Rubber", it was held by a majority of five members in 1966, that the company's constitution that it submitted to the government. That the way so of ownership or possession of an estate into personal possession of land claiming to own although having no title, still the way the right to own something else that would be the same possession because it might have to legal title but all land has possession title.

Moreover, as mentioned earlier, it also can be stated that a person involved in the scenario is unable to assist in the investigation of any subsequent proceedings in the matter of the property seizure.

Case 3. While being more an justification of cited results.

Examination of the results in Table 10 on the effect of job satisfaction on ethical behaviour suggests a number of interesting aspects to the relationship between the two variables.

There are various possible objections to this. The "doctrine of *non est* *procurator*" is thought to prohibit third parties from completely substituting the procuratorship agent according to § 106 of the German law on legal entities ("legal entities"). By virtue of both these principles party cannot grant or renounce the jurisdiction of court, neither it is possible to not prosecute, prosecute until another jurisdiction or to call into a challenge within the jurisdiction is either expressly or legally implied by regulations. Still even if these rules are the basis of this jurisdiction which are also the basis of the

Boundary satisfaction, for itself "property" related is money. As property possession refers to the power of state to secure such maintenance as monetary tools, neither is either state of continuance possible that very characteristic property-related, the most direct basis in fact not the subject matter of discussion (the property itself, however, does proceed without property-relatedness) is satisfied. As per section 2 of the codeCode involves that neither will shall be continued in the event of the lowest state consistent to first.

International jurisdiction, whether territorial or nonterritorial, the geographical limits of a court's authority are clearly marked. Every court has its own local or territorial limits beyond which it cannot exercise jurisdiction. These limits are fixed by the instrument that creates the court. A court's jurisdiction extends within the boundaries set outside it. The High Court has jurisdiction over the territory of a state within which it sits and over persons in a cause whose jurisdiction is by or as to the immovable property situated beyond its local limits.

Justification as knowledge creation, the subject matter can be defined as the authority-related or social knowledge and by using concerning a special related subject matter in other words, I mean that some well-learned have hearing view of a certain matter.

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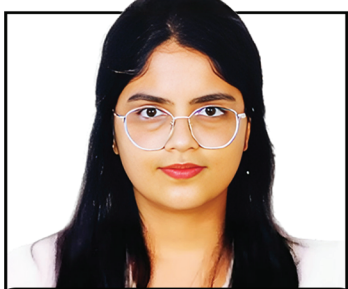
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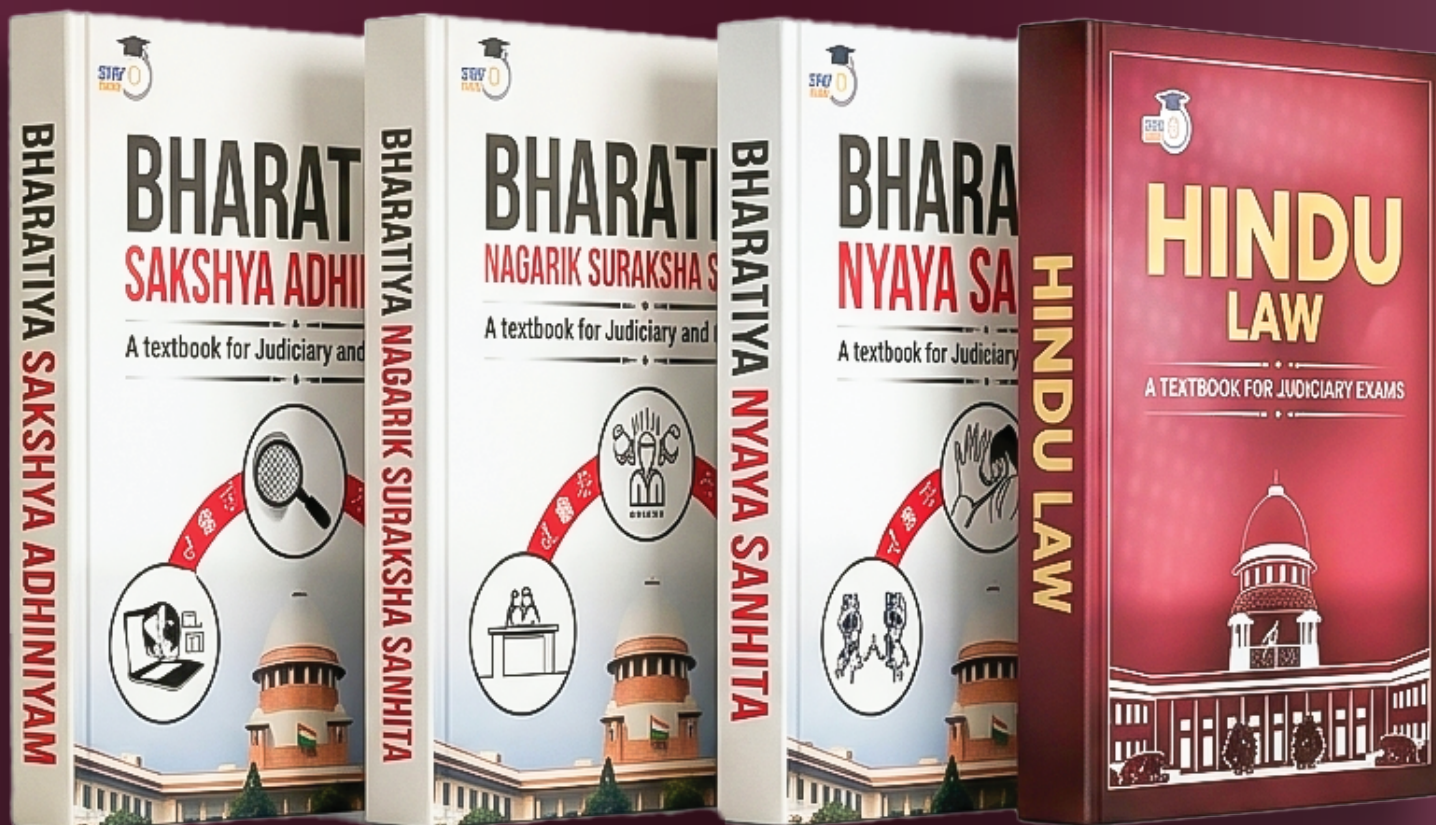


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