

CPC

21 November 2022

Sec 24:

Here withdrawal is not in reference of case withdrawal. It is in reference of upper court calling a case file from lower court. This power is residing with High Court or District Court.

Retransfer of case (CPC) = Remand of case (In practical)

Important Case -- [Mahaveer Prasad Singh vs MS Jacks Aviation AIR 1999 SC 287]

It was held that if both parties are agreed but court will analysis that weather the case suitable for transfer or not.

Some Latin terms related to sec 24:

1. Dominus Litis वाद करने का अधिकार (right to file a suit)
2. Ipse Dixit दिमाग का उपयोग (application of the mind) [related to Mahaveer Prasad case]

Sec 25:

Lex Loci = law of the place

29 November 2022

Order V:

Summon will not issue if the defendant is present at the time of submitting the suit in the court and he accepted the suit.

Rule 13 [**IMP**]