

Welcome students. Today we will be discussing Module 9 which deals with special proceedings, arbitration, special case, Public nuisance and supplemental proceedings.

In this module we will be discussing the special proceedings, which means the suits by an indigent person. Also, we will be discussing alternative dispute resolution. Special case an interpreter suit also will be discussed in this module. And Lastly, we will be discussing suits relating to public nuisance.

From this module, the students will be able to understand the concept of special suits under Civil Procedure code. Also, this module will enlighten the students regarding alternative dispute resolution under Civil Procedure code.

Firstly, we will deal with special proceedings that are suits by an indigent person.

When a person wants to approach a civil court seeking justice, he has to file a suit by paying prescribed court fee. Any suit filed without prescribed court fee is liable to be rejected.

In certain cases the plaintiff may not be able to pay the prescribed court fee due to poverty or financial instability or some other reason. In order to protect or rescue such persons provisions have been made under order 33 of the CPC to provide exemption from court fee.

An indigent person is one who is not having sufficient means to pay court fee prescribed by law. In other words he is poor and cannot afford court fee.

Order 33 rule 1 of CPC provides that a suit may be instituted by an indigent person. Such suit is also known as Pauper suit

### **Condition**

Court entertains a suit by an indigent person provided the following conditions are satisfied:

1. The person (applicant) must not have possessed sufficient means to pay the court fee.
2. He must not be entitled to a property worth one thousand or above and the suit must be a bonafide one

Second concept that we will be discussing under this model is **Alternative Dispute Resolution**.

Section 89 of the Code of Civil Procedure, 1908 gives power to the court to refer the matter to the alternate dispute resolution methods when it appears to the court that there exists an element of settlement which may be acceptable to the parties.

The court may formulate such settlement or propose a tentative settlement and refer the parties to an alternate means of settling the dispute such as arbitration, conciliation, Lok Adalat or mediation.

If there is no settlement, the case will again be referred to the court.

The intention behind section 89 was quite apparent, as most of the developed countries had already adopted the alternate dispute resolution methods and the methods adopted by them were proved to be

successful to the extent that over 90 per cent of the cases were being settled out of court.

It had been inserted to provide justice in spite of the law's delays and the limited number of judges available.

Parties can prevent them self from indulging into litigation and go for dispute resolution methods for resolving their dispute

### **Special case( Interpleader suit)**

Interpleader suit is a suit in which the real dispute is not between the plaintiff and the defendant, but the real dispute is between the two defendants, who interplead against each other. Order 35 of CPC lays down the procedure for interpleader suits.

And Section 88 provides the persons who are entitled to file the interpleader suits. Generally, the rule is that in every civil suit the dispute lies between the plaintiff and the defendant. But there are certain circumstances in which the plaintiff does not show any interest in the subject matter

of the suit. The real dispute is between the defendants. An interpleader suit is a suit in which the real dispute is between the defendants and not between the plaintiff and the defendant. There are certain conditions which are required to be satisfied in case of interpleader suit..

1. The plaintiff must be in lawful possession or custody of another's property
2. The property may be movable or immovable or money or a debt
3. The plaintiff must not have any interest in the subject matter (property)
4. The property must be claimed by two or more defendants
5. The plaintiff is readily prepared to deliver the property to the right claimant against court decision .

Lastly, we will discuss suits relating to the **Public nuisance**.

Sec 91 provides for filing of the suit in case of Public Nuisance or other wrongful acts affecting the public at large.

Public Nuisance is an act or omission which causes common Injury, danger or annoyance to the public in general .

E.g. Obstruction of Public Highway, Pollution of public waterways, Storage of Inflammable materials etc.

Suits relating to Public Nuisance can be instituted for declaration, Injunction or such other relief which may be appropriate in the circumstances of the case.

For the purpose of this module, kindly refer to the references given here.

Thank you.