

ROHTAS VIDHI MAHAVIDYALAY

Under VKSU ARA

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By professor. KALPANA KUMARI

THE SPECIFIC RELIEF ACT

1963

INTRODUCTION

_ Laws fall into three categories.—

┆ Those which define Rights.

┆ Those which define Remedies.

┆ Those which define Procedure.

The Law of Specific Relief belongs to the second category. It is a law which deals with '**Remedies**'.

_ The term '**relief**' is only another word for remedy which a Court is allowed by law to grant to suitors.

_ Before the passing of the Specific Relief Act the law as to Specific Relief was contained in **Sections 15 and 192 of the Civil Procedure Code of 1859.**

- The Act aims to define and amend the law relating to Specific Relief obtainable in Civil Court.

INTRODUCTION

- In case of the Specific Relief, the plaintiff claims the very thing to which he is entitled. In case of Compensatory Relief, he obtains the compensation for loss.
- Specific Relief is **only granted for enforcing civil rights** and **not penal rights (Sec-4)**.
- Specific Relief is **an equitable relief**. A person seeking specific relief must come to the court with clean hands. Granting of Specific relief is **the discretion of the court**.

REMEDIES PROVIDED UNDER THE ACT OR KINDS OF SPECIFIC RELIEF

1. Recovery of Possession of Property (**Sec-5 – 8**)
2. Specific Performance of Contract (**Sec-9 – 25**)
3. Rectification of Instruments (**Sec-26**)
4. Rescission of Contract (**Sec-27 – 30**)
5. Cancellation of Instruments (**Sec-31 – 33**)
6. Declaratory Decrees (**Sec-34 -35**)
7. Prev-**36 – 44**)

1. RECOVERY OF POSSESSION OF PROPERTY (SEC- 5 TO 8)

Under this chapter the person can recover movable and immovable property.



B. RECOVERY OF POSSESSION OF IMMOVABLE PROPERTY (Sec-5 & 6)

_ Where a person in possession of **immovable property** is dispossessed **without his consent** and **otherwise than in due course of law**, he is entitled to recover possession of immovable property.

- | The suit for possession of immovable property must be filed **within six months** from the dispossession.
- | Such suit **cannot be filed against Government**.
- | The possession is claimed **on basis of previous possession** but title is immaterial.
- | **No appeal is allowed** in the appellate court and no review petition is maintainable.
- | If the plaintiff has parted with the possession **voluntarily**, **he cannot file a suit**.

Mahabeer Prasad Jain vs. Ganga Singh – the SC held that a person seeking equitable relief should come to the Court with clean hands. **If the possession is wrongful one, he is not entitled for any relief** under section.
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A. RECOVERY OF POSSESSION OF **MOVABLE PROPERTY** (**Sec-7 & 8**)

- Specific and immediate recovery of movable property can be obtained by the plaintiff under the following cases.....
 - when the defendant holds it as a trustee or agent of the plaintiff, or
 - when compensation is not an adequate relief, or
 - when assessment of damages is difficult
 - when the possession of the thing claimed has been wrongfully transferred from the plaintiff.

THANK YOU