





PREFACE

A fairly good command over law subjects is essential for any law graduate to become a successul lawyer or a judge. Then which is the best way to deal with all the major, minor & local laws? Mere reading of bare act is not sufficient to enhance legal knowledge. Linking method is the one such unique & revolutionised way to study all the procedural & substantial laws.



Linking Laws technique provides better chances of success in imparting knowledge of the statutory provisions and alos developing insight into the subject. This linking approach is designed to make subjects more intresting and meaningful. The arrangment of sections of a staute is done in such a impressive way that it will assist a learner to go through several statutes in a single stroke.

After going through this study material, a learner would surely be able to acknowledge that linking approach is an adequate method to study the basic fundamental principals of law along with the analysis of relevant sections.

TANSUKH PALIWAL

Link the Life with Law

CAUTION

All posibile care has been taken to present correct legal position in the e-notes. The author is not in any way responsible for any loss or damage arising to any person from any inadvertent error or omission in these e-notes.

Adv. Tansukh Paliwal (Linking Sir)

RJS | DJS | MPCJ | CGCJ | BJS | UP PCS (J) Other State Judiciary & Law Exams ⊠ Su

support@linkinglaws.com © 7737746465 🗖 Linking Laws

©Legal IQ | All rights reserved | Any unauthorised act w.r.t. this material will be violation of IPR laws.

2





<mark>INDEX</mark> विषय-सूची

| S.no | Торіс | Page no. |
|------|--|----------|
| 1. | Range | 4 |
| 2. | Types of specific relief & preventive reli <mark>e</mark> f | 5 |
| 3. | Specific relief act & indian contract act linking | 6 |
| 4. | Specific relief act- bifurcation | 7 |
| 5. | Who can claim specific performance-sec 15 | 8 |
| 6. | Eligible plaintiff & eligible respondent | 9 |
| 7. | Difference between section 5 and 6 | 9 |
| 8. | Sec. 12 : part of contract -not specifically enforceable | 10 |
| 9. | Sec. 38 : perpetual injunction | 11 |
| 10. | Sec. 41 : when no injunction | 12 |
| 11. | Difference between temporary injunction & perpetual injunction | 12 |
| 12. | Part performance of contract | 13 |
| 13. | Sec. 20 : substituted performance | 14 |
| 14. | Landmark judgments | 15-16 |
| 15. | Preliminary exam questions | 17-30 |
| 16. | Mains exam questions | 31-33 |

Link the Life with Law

3

RJS | DJS | MPCJ | CGCJ | BJS | UP PCS (J) Other State Judiciary & Law Exams Adv. Tansukh Paliwal (Linking Sir)

Support@linkinglaws.com © 7737746465

©Legal IQ | All rights reserved | Any unauthorised act w.r.t. this material will be violation of IPR laws.





<mark>Range</mark>

| | | SPECIFIC RELIEF ACT, 1963 came in force on 1 st March 1964 | | |
|----------------------------------|----------------|---|---|--|
| Part | СН | CHAPTER NAME | SECTION | |
| I | | Preliminary / प्रारंभिक | <mark>1-4</mark> | |
| <mark>II</mark> Specific | I | Recovering possession of property / सम्पत्तत्त के कब्जे का प्रत्युद्धरण | <mark>5-8</mark> | |
| Relief/ विनिर्दिष्ट अनुतोष | | Specific Performance of contract / संविदाओं का विनिर्दिष्ट पालन Contracts which can be specifically enforced संविदाएं जिनका विनिर्दिष्ट पालन किया जा सकता | <mark>9-25</mark> 10-13 | |
| | <mark>П</mark> | Contracts, which cannot be specifically enforced संविदाएं जिनका विनिर्दिष्ट पालन नहीं किया जा सकता Persons for or against whom contract may be enforced/ वे व्यक्ति जिसके पक्ष में या विरुद्ध संविदाएं विनिर्दिष्टत: प्रवर्तित की जा सकेगी | <mark>14-14A</mark> <mark>15-19</mark> | |
| | III | Rectification of instruments / लिखतों की परिशुद्धि | <mark>26</mark> | |
| | IV | Rescission of contracts/ संविदाओं का विखंडन | <mark>27-30</mark> | |
| | V | Cancellation of instruments/ लिखतों का रदकरण | <mark>31-33</mark> | |
| | VI VI | Declaratory decrees / घोषणतमक डिक्री | <mark>34-35</mark> | |
| III Preventive Relief / | VII | Injunctions generally / निवारक अनुतोष | <mark>36-37</mark> | |
| निवारक अनुतोष | VIII | Perpetual injunctions/ शाश्वत व्यादेश | <mark>38-42</mark> | |

Adv. Tansukh Paliwal (Linking Sir)

RJS | DJS | MPCJ | CGCJ | BJS | UP PCS (J)

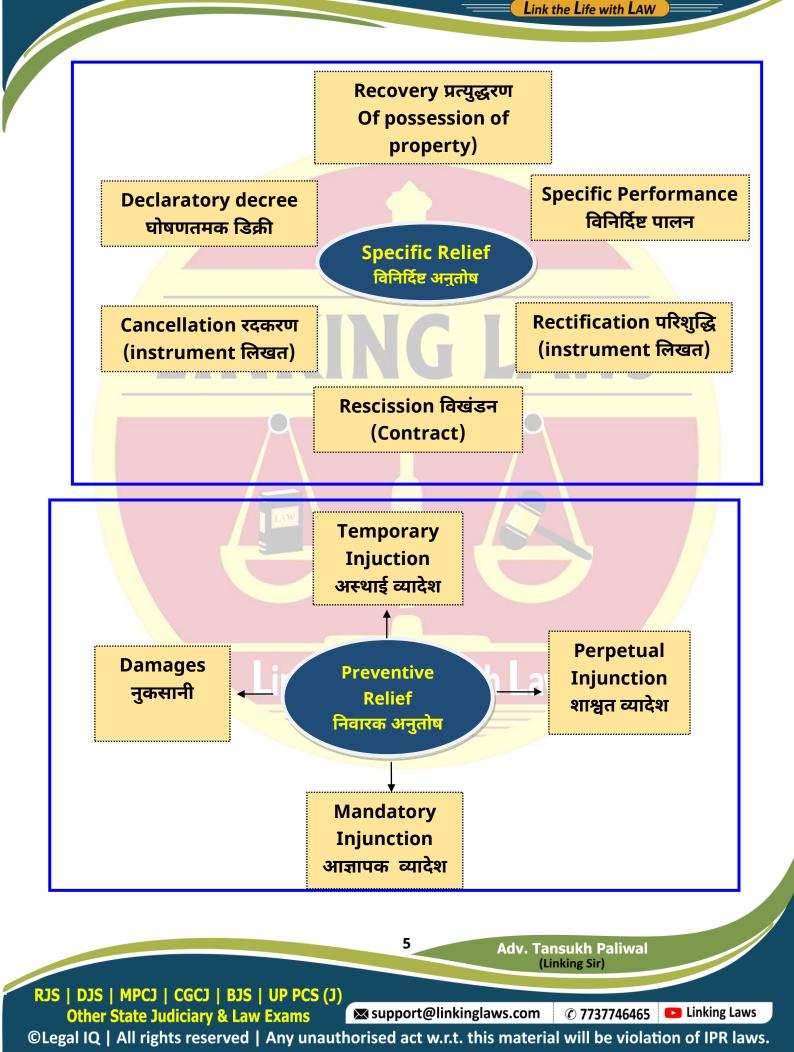
Other State Judiciary & Law Exams Support@linkinglaws.com © 7737746465 💶 Linking Laws

©Legal IQ | All rights reserved | Any unauthorised act w.r.t. this material will be violation of IPR laws.

4



Linking Laws







Specific Relief Act & Indian Contract Act Linking

| <u>SRA</u> | <u>Particulars</u> | <u>ICA-1872</u> |
|------------|---|-----------------|
| Sec. 2(e) | Definitions परिभाषा- of <mark>other words same as</mark> | Sec. 2 |
| | defined under ICA 187 | |
| Sec. 3 (a) | <mark>Savings व्यावृतियां—right to relief</mark> | Relief |
| Sec. 9 | <mark>Defences प्रतिरक्षा</mark> | |
| Sec. 21(4) | <mark>Compensation प्रतिकर</mark> | Sec. 73 |
| Sec. 23 | Liquidation of damages / नुकसानी का परिनिर्धारण | Sec. 74 |
| | → <u>No bar to specific relief</u> | |
| Sec. 24 | Bar of Suit /वाद का वर्जन | Suit u/s 73 |
| | → <u>After dismissal of suit for specific performance</u> | |
| | | |
| Sec. 27-30 | Rescission of voidable contract | 19/19A/64 |
| | | /66/75 etc. |

Link the Life with Law

 6
 Adv. Tansukh Paliwal (Linking Sir)

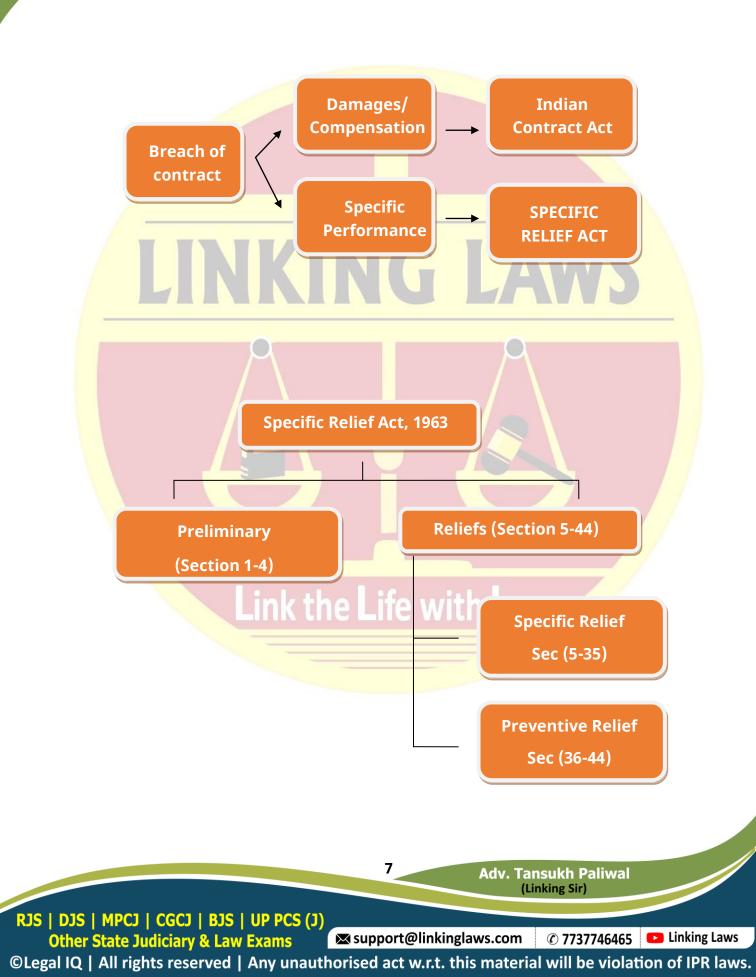
 RJS | DJS | MPCJ | CGCJ | BJS | UP PCS (J) Other State Judiciary & Law Exams

 Support@linkinglaws.com
 © 7737746465

 © Legal IQ | All rights reserved | Any unauthorised act w.r.t. this material will be violation of IPR laws.









Go to Linking App to get full PDF

Linking App Features

Get all E-Book of

- Linking Charts
- Paperathon Booklets
- Study Material E-Notes
- Free Video Lectures Links

How to use Linking App

- Register Yourself then Login
- Subscribe to the plan on validity basis (i.e. 1 Month, 6 Months or 12 Months)
- Go to My Courses
- Get access to all Linking Publications

How to download Linking App

You can download Linking App

via Play Store Socie Play

If you can't find the App on Play Store

Kindly use this QR Code to

download the App.



Tansukh Paliwal