

For a comprehensive preparation for judicial exams, a more detailed list of important sections from the Specific Relief Act, 1963 (SRA) is essential. The SRA deals with specific and preventive remedies, often when monetary compensation is inadequate. It's a key part of civil law syllabus for most judicial services examinations.

Important Sections of The Specific Relief Act, 1963 for Judicial Exams

The Specific Relief Act, 1963 (SRA) provides remedies for enforcing civil rights and is crucial for understanding equitable reliefs. While reading the entire Act is always recommended, the following sections are frequently tested in judicial service examinations due to their practical significance and conceptual importance:

Part I: Preliminary

- * Section 1: Short title, extent and commencement.
 - * Basic understanding.
- * Section 2: Definitions. (Crucial for understanding the terms used throughout the Act)
 - * 2(a) "obligation": Duty enforceable by law.
 - * 2(b) "settlement": Disposition of property.
 - * 2(c) "trust": As defined in Indian Trusts Act, 1882.
 - * 2(d) "trustee": As defined in Indian Trusts Act, 1882.
- * Section 3: Savings.
 - * Provisions not to derogate from other laws.
- * Section 4: Specific relief to be granted only for enforcing individual civil rights and not for enforcing penal laws.
 - * Clarifies the scope of the Act – civil rights, not criminal.

Part II: Specific Relief

Chapter I: Recovering Possession of Property

- * Section 5: Recovery of specific immovable property. (Important)
 - * Suit by a person entitled to possession, through CPC. Focuses on title.
- * Section 6: Suit by person dispossessed of immovable property. (Very Important)
 - * Summary remedy. Focuses on prior possession, not title.

- * Key conditions: Dispossession without consent, not in due course of law.
- * Time limit: 6 months from dispossession.
- * No appeal or review against orders under this section.
- * No suit against the Government.
- * Section 7: Recovery of specific movable property. (Important)
 - * Suit by a person entitled to possession, through CPC.
- * Section 8: Liability of person in possession of movable property, to deliver to persons entitled to immediate possession.
 - * Covers specific situations where delivery of movable property can be compelled (e.g., trustee, agent, special damage, etc.).

Chapter II: Specific Performance of Contracts

- * Section 9: Defences respecting suits for relief based on contract.
 - * What defenses are available to a defendant in a specific performance suit.
- * Section 10: Specific performance in respect of contracts. (Most Important – Amended by 2018 Amendment)
 - * Pre-2018: Discretionary.
 - * Post-2018: Generally mandatory (shall be enforced) except in certain cases. This is a significant change.
- * Section 11: Cases in which specific performance of contracts connected with trusts enforceable.
- * Section 12: Specific performance of part of contract. (Important)
 - * When can a part of a contract be specifically enforced?
 - * Sub-sections deal with various scenarios (small proportion, considerable part, etc.).
- * Section 13: Rights of purchaser or lessee against vendor or lessor with no title or imperfect title.
- * Section 14: Contracts not specifically enforceable. (Very Important – Amended by 2018 Amendment)
 - * Lists categories of contracts which cannot be specifically enforced:

- * Where compensation in money is adequate relief.
- * Contracts running into minute or numerous details, or dependent on personal qualifications.
- * Contracts the performance of which the court cannot supervise.
- * Contracts which are in their nature determinable.
- * Section 14A: Power of court to engage experts. (New Section – Introduced by 2018 Amendment)
 - * Court's power to seek expert opinion in specific performance cases.
- * Section 15: Who may obtain specific performance. (Important)
 - * Lists the persons who can sue for specific performance (parties, representatives, etc.).
- * Section 16: Personal bars to relief. (Very Important – Amended by 2018 Amendment)
 - * Bars for plaintiff seeking specific performance:
 - * Plaintiff who has obtained substituted performance.
 - * Plaintiff who fails to aver and prove readiness and willingness to perform (this provision was amended regarding timeframe).
 - * Plaintiff who has violated essential terms, acted fraudulently, or caused hardship.
- * Section 17: Contract to sell or let property by one who has no title, or only a limited interest.
- * Section 18: Non-enforcement except with variation.
- * Section 19: Relief against parties and persons claiming under them by title arising subsequently.
- * Section 20: Substituted performance of contract. (New Section – Introduced by 2018 Amendment)
 - * Allows the aggrieved party to get the contract performed by a third party and recover costs from the defaulting party.
- * Section 20A: Special provisions for infrastructure project contracts. (New Section – Introduced by 2018 Amendment)
 - * Specific performance not to be granted if it impedes progress or completion of infrastructure projects.

* Section 20B: Power to designate commercial courts. (New Section – Introduced by 2018 Amendment)

* Section 20C: Expeditious disposal of suits. (New Section – Introduced by 2018 Amendment)

* Section 21: Power to award compensation in certain cases. (Important)

* Compensation in addition to or in substitution of specific performance.

* Section 22: Power to grant relief for possession, partition, refund of earnest money, etc.

* Section 23: Liquidation of damages not a bar to specific performance.

* Section 24: Bar of suit for compensation for breach after dismissal of suit for specific performance.

Chapter III: Rectification of Instruments

* Section 26: When instrument may be rectified. (Important)

* Correction of instruments due to fraud or mutual mistake of parties.

Chapter IV: Rescission of Contracts

* Section 27: When rescission may be adjudged or refused. (Important)

* When a contract can be rescinded.

* Section 28: Court may require parties rescinding to do equity.

* Section 29: Alternative prayer for rescission in suit for specific performance.

Chapter V: Cancellation of Instruments

* Section 31: When cancellation may be ordered. (Important)

* When an instrument can be adjudged void or voidable and ordered to be delivered up and cancelled.

* Section 32: What persons may sue for cancellation.

* Section 33: Power to require benefit to be restored or compensation to be made when instrument is cancelled or is successfully resisted as being void or voidable.

Chapter VI: Declaratory Decrees

* Section 34: Discretion of court as to declaration of status or right. (Very Important)

- * Conditions for granting a declaratory decree (legal character, right to property, present existing right, plaintiff not able to seek further relief).

- * Proviso: Not granted if further relief could be sought but is omitted.

- * Section 35: Effect of declaration.

Part III: Preventive Relief (Injunctions)

Chapter VII: Injunctions Generally

- * Section 36: Preventive relief how granted.

- * By injunction.

- * Section 37: Temporary and perpetual injunctions. (Important)

- * Temporary injunctions: Regulated by CPC.

- * Perpetual injunctions: Granted by decree after a full hearing.

Chapter VIII: Perpetual Injunctions

- * Section 38: Perpetual injunction when granted. (Very Important)

- * When a defendant invades or threatens to invade the plaintiff's right to property or enjoyment.

- * Specific situations for grant: trust, no standard for assessing damage, monetary compensation inadequate, multiple suits.

- * Section 39: Mandatory injunctions. (Important)

- * To compel the performance of an act.

- * Section 40: Damages in lieu of, or in addition to, injunction.

- * Section 41: Injunction when refused. (Most Important)

- * Lists specific situations where injunctions cannot be granted (e.g., to restrain judicial proceedings, contractual breach where specific performance cannot be granted, to prevent a nuisance where it is not reasonably clear that it will be a nuisance, etc.).

- * Section 42: Injunction to perform negative agreement.

- * When a contract contains both affirmative and negative agreements.

Key Focus Areas for Judicial Exams:

- * Recovery of Possession (Sections 5, 6, 7, 8): Especially the distinction between Section 5 and Section 6.

- * Specific Performance of Contracts (Sections 9-24):

- * Impact of the 2018 Amendment (Section 10 becoming mandatory, new Sections 14A, 20, 20A, 20B, 20C).

- * Contracts not specifically enforceable (Section 14).

- * Personal bars to relief (Section 16).

- * Compensation (Section 21).

- * Rectification, Rescission, and Cancellation (Sections 26, 27, 31): Understand the grounds for each.

- * Declaratory Decrees (Sections 34, 35): Conditions for grant, especially the proviso to Section 34.

- * Injunctions (Sections 36-42):

- * Distinction between temporary, perpetual, and mandatory injunctions.

- * When perpetual injunctions are granted (Section 38).

- * When injunctions are refused (Section 41) – highly examinable.