

CIVIL PROCEDURE CODE

Topic,

Inherent Powers of the Court.

CPC is a general law of the land. It is Act V of 1908. So many amendments have been enacted later on. Even then it can't regulate for all the times to come. To cope with the possible happenings, events and changes, express changes become the need of the hour. Courts are not to act upon the principle that every procedure is to be taken to be prohibited unless it is expressly provided by the Code, but on the assumption that every procedure is to be understood as permissible till it is shown to be prohibited by law. Being a general principle, prohibition cannot be presumed. This Code is enacted to advance justice and should not be allowed to defeat the ends of justice. The provisions of S. 151 CPC are intended to prevent the courts being rendered impotent by any omission in the Code. It empowers the Courts to make necessary orders. Technicalities are to be avoided. The Code is not exhaustive. Inherent powers are wide. Where the detailed manner of doing something is not prescribed, the Courts are at liberty to infer that the Statute by implication empowers that detail to be carried out. S. 151 CPC gives inherent powers to the court to do right and undo wrongs and to enforce its decrees and orders. It is essential because the longstanding trial of cases, coupled with the labour and expenses of the parties and also the precious time of the Courts should not go wasted. Law is to enforce its mandate and not let it to be defeated by the persons who have been held responsible to obey it. This provision of law does not create new powers but regulates the exercise of enacted powers. These are to be enforced where no express provision in the Code. It is a provision of procedural law. It is also to avoid the abuse of justice decreed.

Ends of Justice lays down :-

- (i) Injury or expenses ~~or~~ not justified should be avoided,
- (ii) Consolidating different suits concerning the same parties or similar cause of action;
- (iii) Re-hearing an ex-parte trial;
- (iv) Separation of cumbersome trials;
- (v) Staying cross suits;
- (vi) Correcting own mistakes.