

ORDER 10 RULE 2 CPC

EXAMINATION OF PARTIES BY THE COURT

BY.....

KALPANA


1ST CIVIL JUDGE

DEHRADUN

Order 10 rule 2

(1)- At the first hearing of the suit,the court -


(a) shall, with a view to elucidate matters in controversy in the suit examine orally such of the parties to the suit appearing in person or present in court,as it deems fit ; and

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- (b) may orally examine any party appearing in person or present in court, or any person or present in the court or any person, able to answer any material question relating to suit, by whom such party or his / her pleader is accompanied.



(2)-At any subsequent hearing , the court may orally examin any party appearing in person or present in court, or any person or present in the court or any person , able to answer any material question relating to suit , by whom such party or his / her pleader is accompaigned. if it thinks fit

(3)-The court may,if it thinks fit , put in the course of an examination under this rule questions suggested by either party.



‘It is an attempt to identify the real issue in controversy and to elucidate matters which in view of court required to be discussed’.


OBJECT OF ORAL EXAMINATION OF PARTIES

- **IN KAPIL COREPACKS PVT LTD. V. HARBANS LAL AIR 2010 SC 2809 SUPREME COURT OF INDIA HELD that---**
object or aim of examination of parties under order 10 rule 2 is---
- To ascertain matters in controversy in suit
- Not to prove or disprove the matter
- Not to record evidence or to secure admissions
- Not to decide rights or obligations of parties
- No proceedings shall lie under sec 340 r/w 195 IPC in regard to these statements.
- No oath shall be given



A. Shanmugum v Ariya Kshariya rajakala vamsathu madalaya AIR 2012 SC 2010

- Oral examination of party, enables to narrow down controversy



substance of examination
to be written-

- The substance of examination shall be reduced to writing by the judge , and shall form part of the record
- Examination will not be recorded on oath



Thank You

