



LAW RELATING TO NOTICES *By* A. B. Majumdar, Eastern Law House, Calcutta. Third Edition (1972). Pp. xx +281. Rs. 18.

PLAINTS AND COMPLAINTS, Volume I, *By* A. B. Majumdar, Eastern Law House, Calcutta. 1972. Pp. 20+379. Rs. 25.

THE FACT that it had become necessary for the author to bring out the third edition of the book on Notices is enough to vouchsafe its utility. The book in its third edition, claims the author, has been enlarged and thoroughly revised and is supported by the latest case-law.¹ The author has incorporated in this edition several new forms of notices taking note of their demand by his readers.²

The work is divided, with justification, in three parts. Part I deals with the law relating to notices and covers such topics as (a) classification of notices, (b) requirements in a notice, (c) persons competent to issue a notice, (d) persons competent to accept a notice, (e) effects of notice on joint-interest holders, (f) waiver of a notice and (g) savings of limitation where notice is statutory. Part II covers a large number of central laws prescribing for statutory notices. Part III contains a variety of model forms of notices. It has 11 specimen forms of notices covering within its compass notices on all sorts of useful topics.

The chapters in part I open with a synopsis and then each topic is subjected to a detailed discussion. The law relating to notices is treated skilfully and in a masterly manner. After showing what the substantive and mostly adjective law is on a particular question, the author supplements the discussion with quotes from the appropriate case laws. The style is very lucid, language very clear and direct and the reference to cases uptodate. The book is sure to prove a valuable guide and extremely useful instrument or rather tool of the trade for the younger members of the Bar. The book could even be recommended to those who are not practising lawyers but occasionally have to write notices. It will certainly spare them from the possible errors of law or of procedure.

The book has a very comprehensive and well planned index which enhances the utility of the book. The only suggestion that we could make here is that in view of the extensive use of case law, it is necessary to have a table of cases where all the cases are arranged in alphabetical order giving against each the page numbers where it appears or figures in the discussion. It would have also added to the pleasure of reading and consulting the book if the citations to the cases would have been taken out of the body of the text and put in the footnotes on each page where they are discussed.

1. A.B. Majumdar, *Law Relating to Notices*, VII (1972).

2. *Ibid.*



The printing and get up of the book is very elegant and the price comparatively low obviously to enable young lawyers to afford it.

Yet another useful book by the same author relates to one of the very important branches of law of pleading, that is '*plaints and complaints*.' The book under review is volume I in the series *plaints and complaints* and confines its scope only to *plaints*, *written statements* and *petitions* in civil proceedings.

The author has attempted to set out in this book rules of pleadings and has given 332 model forms of *plaints*, *petitions* and *applications* for the benefit of 'young learners'—a term that should include both the students of third year LL. B. preparing for the paper relating to pleadings and procedure as well as the junior members of the Bar. A junior member of the Bar, more often than not, needs to refer to some guide where he can find a model form of *plaint*, *petition* or *application*. It is a matter of common knowledge that most of the students doing their LL. B. from a college situated in a far away *Moffusil* town, manage to get through the university examination with the help of cheap notes and seldom have a chance of seeing the standard works on the subject. These people when they enter the legal profession are not always well equipped with a good collection of books in their personal library. The classics on pleading by Mogha, Gahosh, Odgers and Bindra may of course be available in the Bar library but those who have been unfamiliar with such works hitherto are reluctant and even hesitant enough to make use of them. In many cases, they are either too shy to discuss their difficulty with their seniors, or do not wish to consult them on the points of pleadings and procedure for fear of exposing their inadequate training and groundings in the subject. Thus they are at the mercy of some half-educated and ill-equipped clerk or take chance of writing on their own and then depend on the favour of the presiding judge of the court to let them amend the pleadings if the errors were not too fatal.

Mr. Majumdar has rendered a great service to these young lawyers who can now surely refer to this book for an authentic account of rules governing a particular form of pleadings. Like the previous book, this book is also divided in three parts. Part I deals with the principles of pleadings and covers such topics as (a) *plaints* generally, (b) *structure* of a *plaint* (c) *structure* of a *written statement*, (d) *registered address* of the party, (e) *signature* in pleadings, (f) *verification* of pleadings, (g) *parties* to suits and so on. Part II contains 250 model forms of *plaints* on different subjects arranged in alphabetical order for convenience of reference. Part III contains 82 model forms of *petitions* and *applications* that are required to be made under various acts mainly in civil proceedings. This is followed by a very comprehensive index.

The book has an added merit of giving the citations in the footnotes of the cases referred to in the body of the text. But the author gives merely the citations and does not give the name of the cases either in the text or in the footnotes. Besides, as there is no table of cases, we don't know when he



cites a particular case and what that particular case had decided. We know he is backing himself up with some ruling but don't know in what case. This is rather annoying atleast to those who are used to and often insist on knowing the name of the case *etc.*

The numbering of footnotes does not follow a uniform pattern. He does not start with 1 on every new page and goes on continuously from one page to another but then abruptly stops at 10 or 20 and starts with 1 again whereas one would expect him to go on till he reaches 99.

But for these minor points, the book has been written competently. The author seems to have devoted considerable time and interest to collect relevant material to present in this book an upto date account of the rules on a given topic at one place. The chapters open with an elaborate synopsis and then the topic is divided into sections and subsections to have a complete discussion of various points at issue in the light of latest court rulings. Often he poses questions anticipating the curiosity of his readers and then sets out to seek answers to those questions in a very lucid and simple style.

Another merit of the book is that at the bottom of a model form of plaint or petition he gives very useful notes indicating where variations could or should be made to suit the changed needs of a particular plaintiff or petitioner. In all the cases requiring a special mention of some fact in a plaint, he refers the reader to the specific provision of those enactments which require the pleadings to be in that form such as the Indian Limitation Act, 1963 or the Transfer of Property Act or any other Act.

The usefulness of the book to the students of pleadings is beyond doubt and I wish some one would bring out before a long a Hindi edition of the work for the benefit of those who are learning the subject through Hindi as their medium of instruction as also for those who work in Hindi speaking regions where Hindi is the language of the subordinate courts and the lawyers have to write their pleadings in Hindi.

The author of both these books deserves to be congratulated for the singular service he has been rendering to his junior colleagues in the profession.

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