

KNT/KW/16/6991

Eighth Semester B.A.LL.B. 5 Years Course (C.B.S.) Examination**CIVIL PROCEDURE CODE AND LIMITATION ACT****Compulsory Paper—1**

Time : Three Hours]

[Maximum Marks : 80

N.B. :— (1) Attempt **all** Sections. Section A consists of **10** marks, Section B consists of **30** marks and Section C consists of **40** marks.

(2) Follow the instructions given in each section.

(3) Marks are indicated against each question.

SECTION—A

1. Choose the correct alternative (any **TEN**) :

1×10=10

(i) Foreign court under section 2(5) of C.P.C. means :

(a) a court situated outside India

(b) a court situated outside India and not established under the authority of Government of India

(c) a court situated in India applying Foreign Law

(d) All the above

(ii) Which of the following is not a decree ?

(a) Dismissal in default

(b) Rejection of plaint

(c) Both (a) and (b)

(d) Neither (a) nor (b)

(iii) A decree becomes final :

(a) when it conclusively determines the rights of the parties

(b) when no appeal has been preferred against the decree

(c) Both (a) and (b)

(d) Neither (a) nor (b)

(iv) Preliminary decree is one :

(a) which determine the rights of parties with regard to some or one of the matter in controversy but does not finally dispose of the suit

(b) which determines the rights of parties with regard to some or one of the matter in controversy which may have the effect of final disposal of the suit

(c) Both (a) and (b)

(d) Neither (a) nor (b)

- (v) No suit shall be defeated by reason of ____ as provided in Order, 1, Rule 9.
- (a) Mis-joinder and non-joinder of the parties
 - (b) Lack of plaintiffs rights on documents
 - (c) Lack of signatures
 - (d) None of the above
- (vi) If it appears to the court that any joinder of plaintiffs may embarrass or delay the trial court can :
- (a) Order for separate trial
 - (b) Struck off plaintiffs rights
 - (c) None of the above
 - (d) Both (a) and (b)
- (vii) All persons may be joined as plaintiffs if :
- (a) Their right to relief is same
 - (b) They are close relative
 - (c) They belongs to same group
 - (d) All the above
- (viii) The person who brought the suit or file a suit is called :
- (a) Plaintiff
 - (b) Defendant
 - (c) Both (a) and (b)
 - (d) None of the above
- (ix) Section 100 Civil Procedure Code deals with :
- (a) First appeal
 - (b) Second appeal
 - (c) Third appeal
 - (d) Revision
- (x) No appeal shall lie from a decree passed by the court :
- (a) on merits
 - (b) on facts
 - (c) with consent of parties
 - (d) with consent of the court
- (xi) Ex Party order can be passed in favour of :
- (a) Plaintiff
 - (b) Defendant
 - (c) Both (a) and (b)
 - (d) Neither (a) nor (b)
- (xii) Interpleader suit has been defined under :
- (a) Section 54
 - (b) Section 88
 - (c) Section 92
 - (d) Section 96
- (xiii) Statutory notice has been defined under :
- (a) Section 80
 - (b) Section 25
 - (c) Section 114
 - (d) Section 6

(xiv) Section 92 of C.P.C. deals with suits relating to :

- (a) Public charities
- (b) Diplomats
- (c) Public nuisances
- (d) All the above

(xv) Power of the court to issue the commission has been defined in :

- (a) Section 75
- (b) Section 100
- (c) Section 115
- (d) Section 83

SECTION—B

(Short answer questions)

2. Write short notes on (any **THREE**) : 5×3=15
 - (a) Affidavit
 - (b) Counter-claim
 - (c) Misjoinder of parties
 - (d) Jurisdiction.
3. Write notes on (any **THREE**) : 5×3=15
 - (a) Foreign Judgement
 - (b) Statutory notice
 - (c) Resjudicata
 - (d) Caveat.

SECTION—C

(Long answer questions)

Answer the following (any **FIVE**) : 8×5=40

4. What is Plaint ? State the necessary contents of Plaint.
5. Explain the provisions relating to the execution of decree under C.P.C.
6. What are the pre-conditions to be followed in institution of suits by or against the Government ?
7. When can a court appoint receiver ? Explain the powers and duties of the receivers.
8. Explain in detail the provision relating to the attachment before judgment.
9. Discuss in detail the provisions relating to the legal disabilities under Law of Limitation.
10. Discuss the provision relating to the effect of acknowledgment in writing under the law of Limitation Act.
11. Discuss the provision of acquisition of easement by prescription in the light of law of Limitation Act.