

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 consist of **40** marks.

(2) Follow the instructions given in each section.

(3) Marks are indicated against each question.

SECTION—A

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

1×10=10

(i) Section _____ deals with stay of suit in civil procedure code.

(a) 16

(b) 10

(c) 13

(d) 14

(ii) A suit for partition contains which of the following decree :

(a) Preliminary decree

(b) Intermediate decree

(c) Final decree

(d) Both (a) and (c)

(iii) Rules means :

(a) Rules and forms contained in first schedule

(b) Rules made under Sec. 122 of C.P.C.

(c) Rules made under Sec. 129 of C.P.C.

(d) All the above

(iv) Section 9 of Civil procedure code provides that a Civil court shall have jurisdiction :

(a) To try all suits of Civil nature

(b) To avoid suits of which their cognizance is expressly barred

(c) To avoid suits of which their cognizance is impliedly barred

(d) All the above

(v) Which of the following provision deals with substituted service in Civil Procedure Code ?

(a) Order 5 Rule 20

(b) Order 9 Rule 12

(c) Order 6 Rule 10

(d) Order 10 Rule 8

(vi) A Right to lodge a caveat is given U/S _____ of CPC.

(a) 148

(b) 148-A

(c) 146

(d) 146-A

(vii) The defendant shall from the date of service of summons on him, present a written statement of his defence within :

(a) 20 days

(b) 30 days

(c) 60 days

(d) None of the above

- (viii) Which of the following provision under CPC deals with second appeal ?
- (a) Section 110 (b) Section 100
(c) Section 201 (d) Section 200
- (ix) "Suit" under Section 2(l) of Limitation Act, 1963 does not include :
- (a) an appeal (b) an application
(c) Both (a) and (b) (d) None of these
- (x) According to the Limitation Act, the period of limitation is prescribed for _____.
(a) suit (b) application
(c) appeal (d) All the above
- (xi) 'To Interplead' means to litigate :
- (a) with each other
(b) with third party
(c) with each other to settle a point concerning a third party
(d) None of the above
- (xii) Issue can be framed by the court on :
- (a) First hearing of the suit (b) Second hearing of the suit
(c) Third hearing of the suit (d) None of the above
- (xiii) Section _____ of Limitation Act deals with condonation of delay.
(a) 3 (b) 4
(c) 5 (d) 6
- (xiv) Inherent powers of court are provided _____.
(a) under Sec. 150 (b) under Sec. 151
(c) under Sec. 152 (d) under Sec. 153 A
- (xv) Set off is a claim set up by the :
- (a) Defendant against the plaintiff (b) Defendant against his creditors
(c) Plaintiff against defendant (d) None of the above

SECTION—B

Note :— Both the questions in this section are compulsory.

2. Answer the following (any **THREE**) :

5×3=15

- (a) Define judgement. Distinguish it from decree.
(b) Explain set off and counter claim.
(c) Explain suit by indigent person.
(d) Explain various types of jurisdiction.

3. Write short notes on (any **THREE**) :

5×3=15

- (a) Temporary injunction.
- (b) Caveat.
- (c) Sufficient cause for extension of limitation.
- (d) Difference between Reference and Revision

SECTION—C

Note :— Answer any **FIVE** questions of the following.

8×5=40

- 4. What is meant by jurisdiction ? Explain the various kinds of jurisdiction of Civil Courts.
- 5. Explain in detail rules regarding the place of institution of suits.
- 6. Explain the doctrine of Res Judicata. State difference between Res-Subjudice and Res Judicata.
- 7. Define Summons. Explain in detail the various modes of services of Summons.
- 8. Write detailed note on — Return of plaint and Rejection of plaint.
- 9. Explain the general provisions relating to appeal and state various kinds of appeal.
- 10. Write a brief note on suit by or against the Government.
- 11. Write notes on :
 - (a) Arrest before judgement
 - (b) Appointment of Receiver.