TKN/KS/16–7267

Eighth Semester B. A. LL. B. Five Years Course (Credit Based System) Examination

Course Code – 8.1

CIVIL PROCEDURE CODE AND LIMITATION ACT

Paper – I

Time : Three Hours]   [Max. Marks : 80

N. B. : (1) Attempt all sections,
          section 'A' consist of **10** marks,
          section 'B' consists of **30** marks,
          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**) :—

    (i) Legal disabilities are :—

       (a) Minority   (b) Insanity

       (c) Idiocy   (d) all the above.

    (ii) The provisions of section 3, Limitation Act are —————

       (a) Mandatory   (b) Directory

       (c) Discretionary   (d) Optional

    (iii) A judgement contains —————

       (a) Concise statement of the case.

       (b) The points for determination.

    (c) The decision an the points of determinations and the reason there of

    (d) All the above.

    (iv) Under section 10 of CPC, a suit is liable to be —————

       (a) Stayed   (b) Dismissed

       (c) Rejected   (d) Either (a) or (b) or (c)

    (v) Where a person who is a necessary party to the suit has not been joined as a party to the suit, it is a case of —————

       (a) Non-jonder   (b) Mis-joinder

       (c) Both (a) and (b) (d) Neither (a) nor (b)

    (vi) Pleadings must state

       (a) Facts   (b) Law

       (c) Evidence   (d) All the above

    (vii) In a written statement, a defendant can claim

       (a) Set off

       (b) Counter–claim

       (c) Both set-off and counter claim

       (d) Either (a) or (b)

    (viii) An ex-parte decree can be set aside on the ground of —————

       (a) Summons not duly served.

       (b) Being prevented by any sufficient cause from appearance

(c) Non-appearance due to non-availability of documents with the plaint

(d) Both (a) and (b)

(ix) In a suit, issues are framed in respect of ——

(a) Questions of facts

(b) Questions of Law.

(c) Mixed question of fact and law

(d) All the above.

(x) Which of the following provisions provides for imposition of costs in a civil suit ——

(a) Section 35 of CPC

(b) Section 35A of CPC

(c) Section 35B of CPC

(d) All the above.

(xi) A decree for execution ——

(a) Cannot be transferred to another court.

(b) Can be transferred to another caurt.

(c) May or may not be transferred

(d) Either (a) or (c)

(xii) A suit filed on behalf of a minor can be ——

(a) Withdrawn at any time as a mater of right.

(b) Cannot be withdrawn

(c) Withdrawn only with the leave of the court.

(d) Either (a) or (b)

(xiii) Civil Procedure Code provides for ——

(a) Temporary injunction.

(b) Permanent injunction.

(c) Mandatory injunction.

(d) All the above.

(xiv) Second appeal under section 100 of CPC lies ——

(a) On question of facts.

(b) On substantial questions of law

(c) On mixed question of law and fact

(d) All the above

(xv) Section 89 of CPC provides for

(a) Settlement of dispute outside court.

(b) Settlement of dispute through court.

(c) Settlement of diapute through village Panchayat

(d) All the above.   1x10=10

SECTION B

(Short Answer Questions)

2. Write short notes on (any **Three**) :—
   (a) Legal disability.
   (b) Interpleader suit
   (c) Res judicata.
   (d) Garnishee Order.   5X3=15

3. Write short notes on (any **Three**) :—

    (a) Set off and counter claim.

    (b) Suit by or against Government.

    (c) Appointment of Receiver.

    (d) Amendment of pleadings.   5x3=15

SECTION C

(Long Answer Questions)

Answer the following (any **Five**) :—

4. Explain review. Distinguish between reference, and revision.

5. Discuss the jurisdiction of civil courts.

6. Explain the mods of service of summons. State what is meant by 'Substituted Service'.

7. Explain the provisions relating to 'Appeal' under the civil procedure code.

8. State provisions for granting temporary injunction.

9. Discuss the various modes of executing a 'Decree'.

10. 'The Law assists the vigilant and not those who sleep over their rights' ? Discuss.

11. Explain :—

    (a) Condonation of delay.

    (b) Continuous running of time.