

**NTK/KW/15/7251**

**Fifth Semester LL.B. (Three Years Course)  
(Credit Based System) Examination  
Course Code—5.1  
CIVIL PROCEDURE CODE AND LIMITATION ACT  
Compulsory Paper—I**

Time—Three Hours]

[Maximum Marks—80

- N.B. :—** (1) Section-A carries **10** marks, Section-B carries **30** marks and Section-C carries **40** marks. Attempt all sections.
- (2) The number of questions to be answered and marks for each question for Section-A and Section-B are as indicated in each Section.
- (3) Answer any **FIVE** questions from Section-C. Each question carries **8** marks.

**SECTION—A  
(Multiple Choice Questions)**

1. Choose the correct option (any **TEN**) :—  $10 \times 1 = 10$
- (1) The Civil Procedure Code came into force on :
- (a) 1<sup>st</sup> January, 1909
- (b) 1<sup>st</sup> February, 1909

- (c) 1<sup>st</sup> March, 1909
  - (d) 1<sup>st</sup> April, 1909
- (2) According to which section of CPC The High Court have power to amend, by rules, the procedure laid down in the order :
- (a) Sec. 120
  - (b) Sec. 121
  - (c) Sec. 122
  - (d) Sec. 123
- (3) Preliminary decree can be passed by a court in a suit :
- (a) of partnership
  - (b) for partition
  - (c) for possession and mesne profit
  - (d) all the above
- (4) 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)

- 7. What is meant by Commission ? When can it be appointed ? State the powers of commissioner.
- 8. Explain the powers of court for seeking production and impounding of documents.
- 9. What is meant by limitation ? State the basic principles governing law of limitation.
- 10. What do you understand by the term legal disability ?
- 11. Explain meaning, contents and effect of acknowledgment.

- (9) An appeal is :
- (a) a continuance of suit
  - (b) not a continuance of suits
  - (c) new proceeding in higher court
  - (d) none of the above
- (10) The term 'Caveat' has been defined in :
- (a) Sec. 148
  - (b) Sec. 148-A
  - (c) Sec. 148-B
  - (d) Not been defined in CPC
- (11) Object of the pleading is :
- (a) to intimate the intention of one party to another
  - (b) to ascertain the real disputes between the parties
  - (c) to determine the real issue between the parties
  - (d) all the above
- (12) According to Section 2(S) of CPC a 'Foreign Court' means :
- (a) a Court situated outside India
  - (b) a Court situated outside India and not established under the authority of Govt. of India

- (c) a court situated in India applying Foreign law
  - (d) all the above
- (13) According to Sec. (2) of the CPC, the term code includes :
- (a) regulation
  - (b) ordinances
  - (c) notifications
  - (d) rules
- (14) 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)
- (15) Principle of res-judicata is applicable :
- (a) to suits only
  - (b) to execution proceeding
  - (c) to arbitration proceedings
  - (d) to suits as well as execution proceedings

**SECTION—B**  
**(Short Answer Questions)**

2. Write notes on any **THREE** of the following :—  
3×5=15
- (a) Hierarchy of courts
  - (b) Rejection of plaint
  - (c) Modes of execution
  - (d) Sufficient cause for condonation of delay.
3. Write notes on any **THREE** of the following :—  
3×5=15
- (a) Amendment of pleading
  - (b) Adjournment
  - (c) Transfer and withdraw of cases
  - (d) General principles of Limitation.

**SECTION—C (Marks : 5×8=40)**  
**(Long Answer Questions)**

4. What is constructive Res judicata ? Discuss the difference between Res judicata and Res-Subjudice.
5. State contents of plaint. Explain when plaint is liable to be rejected.
6. What is meant by Temporary Injunction ? Under which circumstances can it be granted ? Discuss.

- (5) The term 'Judgement' means the statement given by the judge :
- (a) on the ground of a decree
  - (b) on the ground of an order
  - (c) on the ground of a decree or order
  - (d) none of the above
- (6) 'Res-Judicata' is a Latin term which means :
- (a) a thing already decided by a Court of Justice.
  - (b) a thing not decided by a Court of Justice.
  - (c) a thing already pending in a Court of Justice.
  - (d) none of the above
- (7) Sec. 10 of CPC deals with :
- (a) res judicata
  - (b) res-subjudice
  - (c) both (a) and (b)
  - (d) None of above
- (8) Which order of CPC deals with issue and service of summons ?
- (a) Order IV
  - (b) Order V
  - (c) Order VI
  - (d) Order VII