

Sub Code: Law 702

Roll No.....

SEMESTER EXAMINATION 2022-2023

(4th Year VIIth Semester B.A.LL.B/B.B.A.LL.B)

NAME OF THE SUBJECT: CIVIL PROCEDURE CODE AND LIMITATION ACT

Duration: 3:00 hrs.

Max Marks: 70

Note: Attempt all questions. All questions carry equal marks. In case of any ambiguity or missing data, the same may be assumed and state the assumption made in the answer.

Q 1.	Answer any four parts of the following within 100 to 125 words. a) What is a decree? Explain different types of decrees. Distinguish between decree, order and judgment b) Comment: Rejection of plaint and relevant considerations of the same. c) Discuss Properties which are not liable to attachment or sale in the execution of a decree. d) Write a short note on Suits as an indigent person. e) What is Order 2, Rule 2? Distinguish Order 2, Rule 2 from the doctrine of <i>res judicata</i> . f) Define 'Interpleader Suit' with the help of relevant statutory provisions and case law.	4x3.5=14
Q 2.	Answer any four parts of the following within 100 to 125 words. a) What is the condition precedent for filing suits by or against the Government? Is there any exception to the compliance of such conditions? If yes, state those circumstances. b) Under what circumstances the second appeal against a decree would lie? What are the tests to determine a substantial question of law for the purpose of a second appeal? c) Discuss 'Acquisition of ownership by possession' provided under the Limitation Act. d) Write salient features of 'summary procedure' as contained in Order 37 of the Civil Procedure Code. e) Write a short note on 'Jurisdiction of Civil Courts'. f) What are the conditions that a court would inquire into before staying a suit under Sec.10, Civil Procedure Code?	4x3.5=14
Q 3.	Answer any two parts of the following within 200 to 250 words. a) 'The principle of <i>res judicata</i> is conceived in the larger public interest which requires that all litigation must, sooner than later, come to an end.' Comment. b) State the provisions which govern the place of suing. Also, state at what stage can the objection to jurisdiction be taken. c) Discuss with reference to decided cases the principles underlying the Amendment of Pleading under Order 16, Rule 17 of the Code.	2x7=14

Q 4.	<p>Answer any two parts of the following within 200 to 250 words.</p> <p>a) Discuss the law regarding the consequences of the non-appearance of a defendant in a suit. Can he join the subsequent proceedings in the suit? Whether there is any remedy available against adverse orders, if any, passed in consequence of the non-appearance of the defendant? Discuss with the help of relevant law and cases.</p> <p>b) What are the remedies other than appeal available to an aggrieved party in a civil suit? Explain with help of relevant statutory provisions and case law.</p> <p>c) What are the circumstances under which a certain period of time is excluded while computing the limitation period? Explain.</p>	2x7=14
Q 5.	<p>Answer any two parts of the following within 200 to 250 words</p> <p>a) Discuss the principles governing the execution of a decree with the relevant statutory provisions.</p> <p>b) Discuss with case law the powers of the Appellate Court. Under what circumstances Appellate Court may allow to produce of additional evidence at the appellate stage?</p> <p>c) What are the different interim orders that the court can pass? What are the main principles which guide the court while dealing with an application for a temporary injunction?</p>	2x7=14
