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5 SEM LLB 2 CPC

2009

( JUNE )

**CIVIL PROCEDURE CODE AND  
LIMITATION ACT**

**Paper : 502**

*Full Marks : 80*

*Time : Three hours*

*The figures in the margin indicate full marks  
for the questions.*

*Answer any five questions.*

1. Write short notes on *any four* of the following :

4×4=16

(a) Issues

~~(b) Mesne Profit~~

(c) Interpleader Suit

(d) Garnishee order

(e) Indigent person

(f) Interlocutory order.

2. What particulars should be plaintiff contain? When can a plaint be returned by the court? On what grounds a plaint may be rejected by the court?  
8+4+4=16
3. On what ground a second appeal lies? Discuss the provisions of law relating to second appeal. Can the Appellate Court determine an issue not determined by the lower appellate court or both the court of the first instance and the lower appellate court?  
4+8+4=16
4. Distinguish between : 4×4=16
- (a) Set-off and Counterclaim
  - (b) Preliminary decree and final decree
  - (c) Reference and Review
  - (d) Resjudicata and Res-subjudice.
5. What is attachment before judgement? Discuss the relevant provisions of law. Under what circumstances may the court order arrest of the defendant?  
10+6=16

✓ 6. When can a civil court grant temporary injunction? What procedure the court is to follow before granting such injunction? What is the consequence of disobedience or breach of injunction?  $6+6+4=16$

7. What is inherent power of civil court and under what circumstances can such power be exercised? What are the limitations of such inherent power?  $10+6=16$

✓ 8. What is acknowledgment? What is its effect on the period of limitation? What are the essentials of a valid acknowledgement?  $4+2+10=16$

9. "Where once time has begun to run, no subsequent disability or inability to institute a suit or make an application stops it". Discuss this law. Are there any exceptions to this rule? ↓  $4+12=16$