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6 SEM LLB (N) 1 CPC

2012

(July)

**CIVIL PROCEDURE CODE
AND LIMITATION ACT**

Paper : 601

(New Course)

Full Marks – 80

Pass Marks – 32

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

(i) Mesne profit

(ii) Decree and order distinguished

(iii) Res-judicata and Estoppel distinguished

(iv) Caveat

(v) Counter claim and set-off distinguished

(vi) Misjoinder of parties.

2. What are the essential particulars to be contained in the plaint? In what cases plaint can be rejected by a court? Does it preclude the plaintiff from filing a fresh suit? $8+4+4=16$

3. What courses are available to a decree holder in the following cases?

(a) Where the judgement debtor dies before the decree is fully satisfied.

(b) Where the legal representative of the judgement debtor, who has been brought on record dies before the decree is fully satisfied.

(c) Where the debtor dies before the decree.

(d) Where a decree is against a wrong person as legal representative. $4+4+4=16$

4. (a) What steps would you take for filing suit against a public officer or the government and with what object ?

(b) How should you execute a decree against a public officer of the government ?

(c) Is a public officer exempted from arrest and personal appearance ? $8+4+4=16$

5. (a) What are the grounds that can be taken for the first time in appeal ?

(b) What are the restrictions in a second appeal ?

(c) Is there any restriction regarding valuation for the maintainability of a second appeal ?

$8+4+4=16$

6. (a) Point out some cases in which court has no inherent power to exercise.

(b) Whether any appeal lies from an order passed U/S 151 C.P.C. ? $10+6=16$

7. (a) What is an interlocutory order ?

(b) When can a court order for an interim sale ?

$8+8=16$

8. What are the essentials of acknowledgement to save limitation? Explain. 16

9. (a) When can a court condone delay in preferring an appeal after expiry of period of limitation?

(b) Discuss the term "Sufficient cause and satisfaction of the court". 8+8=16