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6 SEM LLB (N) CPC I

2013
(June) ✓

**CIVIL PROCEDURE CODE AND
LIMITATION ACT**

Paper : 601

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

- (a) **Plaint**
- (b) **Preliminary decree and final decree**
- (c) **Preemption**
- (d) **Easement**
- (e) **Counter claim**
- (f) **Costs of adjournment.**

3. What is meant by expression 'the inherent powers of the court'? Can civil court invoke the 'inherent power' to override the provisions of a statute, or to complement or supplement the provisions of the code ? $8+8=16$

4. (a) What are the orders from which appeal lies ?
(b) When does an appeal lie to the Supreme Court ? How the order of the Supreme Court is enforced ? $8+4+4=16$

5. (a) Can the Appellate Court remand the case to Lower Court ?
(b) May Appellate Court frame issues and refer them for trial to court whose decree is appealed against ?
(c) Whether the Appellate Court may determine a case finally where evidence on record is sufficient ?
(d) Whether additional evidence can be produced in appellate court ? $4 \times 4 = 16$

6 (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 ? $8+4+4=16$

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

8. Can a court grant extention of the period of limitation ? If so, in what circumstances and in what class of proceedings. $8+8=16$
