

*Total number of printed pages-3*

**6 SEM LLB (N) CPC & LA 1**

**2014**

(June)

**CIVIL PROCEDURE CODE AND  
LIMITATION ACT**

(New Course)

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. The principle of Res-Judicata can be invoked only in respect of separate proceedings and not in respect of subsequent stage of the same proceeding. Discuss

2. A files a suit and during pendency of the suit A wishes to withdraw the suit and refile it again due to some formal defects. Is there any provision under the Code of Civil Procedure to withdraw the suit and refile it? — Discuss 16
3. Define a 'decree' and point out the distinction between preliminary decree and final decree. State whether the following are preliminary decree or final decree.
- (a) A sues B for cancellation of a document and a decree is passed.
- (b) A suit is brought by one partner against another for a dissolution of partnership. A decree is passed. 6+6+4=16
4. Define plaint and discuss the various parts of a plaint. Is there any pecuniary jurisdiction for filing a suit? 16
5. Define an appeal, review and revision and give examples of each of these. 16

6. Discuss the grounds for seeking a temporary injunction from a civil court. What are the consequences of disobedience or breach of injunction ? 8+8=16
7. What is meant by issues and how are they framed ? When can an issue be determined first of all ? Whether an appellate court is empowered to frame the issue ? 8+4+4=16
8. State the principles which are to be followed in computing the period of limitation for filing any suit, appeal and application. 16
9. Explain the principles of continuous running of time ? Is there any exception to the general rule ? 8+8=16
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