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6 SEM LLB CPC 1

2015

(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. What is a plaint? Give the essential particulars to be contained in the plaint. How a plaint can be rejected by a court? Answer suitably. $4+8+4=16$
2. How can you define the term 'suit'? Discuss in detail, how a suit(s) has/have been framed. Critically answer this question. $4+12=16$

3. Define the term 'Res-judicata'. How can you distinguish Res-judicata from Estoppel? Explain in detail about the concept of 'Constructive Res-judicata'. Answer the above with the help of Apex court judgements. $3+5+8=16$
4. Give a clear picture on judgement and decrees. How can you differentiate between the two? Answer your question with the help of some recent judgements of the Supreme Court of India. $6+10=16$
5. Clearly mention what steps have been taken for filing a suit against a public officer or a government official. Also describe the object for filing of it. Whether a public officer is exempted from arrest and personal appearance? $8+4+4=16$
6. What do you understand by the term 'inherent powers of the Court'? Mention the specific provision of the Civil Procedure Code. Can Civil Court invoke the 'inherent power' to override the provisions of an enactment or to complement or supplement the provisions of C.P.C.? $7+1+8=16$

7. Give the meaning of the term 'Condonation of delay'. When can a court condone delay in preferring an appeal after expiry of the period of limitation? 4+12=16
8. Under what circumstances a Court can grant extension of the period of limitation? Critically answer the question. 16
9. Write the short notes on **Any four** of the following : 16
- (a) Institution of Suits
 - (b) Pleading
 - (c) Counter claim
 - (d) Execution of decree
 - (e) Injunction
 - (f) Interlocutory Orders
 - (g) Second Appeal.
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