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**4 SEM LLB CPC & LA 2 (N)**

**2016**

(June)

**LAW**

**(Civil Procedure Code and Limitation Act)**

Paper : 4.2

**(New Course)**

Full Marks : 80

Time : Three hours

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

*Answer the following questions.*

1. Choose the correct answer :  $1 \times 10 = 10$
- (i) Which of the following deals with the objection to jurisdiction in the Code of Civil Procedure ?
- A. Section 18
  - B. Section 20
  - C. Section 21
  - D. Section 25

(ii) The object of discovery is

- A. to elicit admission
- B. to obviate the necessity to produce lengthy evidence
- C. to expedite disposal
- D. All of these

(iii) Which of the following deals with definition of court which passed a decree in the Code of Civil Procedure?

- A. Section 37
- B. Section 39
- C. Section 22
- D. Section 21

(iv) A Civil Revision, at the instance of a litigant is maintainable on satisfaction of which of the following circumstances cumulatively?

- A. Impugned order amounts to a case decided. Such order must have been passed by any court subordinate to such High Court. Such order must not be appealable.

- B. There must be allegation of jurisdictional error.
- C. If the impugned order has been passed in favour of the revision-petitioner then that would have finally disposed of the suit or other proceedings.
- D. All of the above.
- (v) Which of the following deals with statement in a case of documents not in plaintiff's possession or power in the Code of Civil Procedure ?
- A. Order 7 Rule 15
- B. Order 4 Rule 13
- C. Order 6 Rule 10
- D. Order 10 Rule 22.
- (vi) Which of the following deals with the exclusion of counter claim in the Code of Civil Procedure ?
- A. Order 8 Rule 6C
- B. Order 4 Rule 13
- C. Order 6 Rule 10
- D. Order 8 Rule 6A

(vii) The successful party in whose favour the interim order has been passed can demand which of the following?

- A. The delivery of benefit earned by the opposite party under the interim order of the court
- B. To make restitution for what is lost
- C. Either (A) or (B)
- D. None of these

(viii) The right to appeal is a creature of statute and an appeal can be presented only :

- A. By a party in the suit if he is aggrieved by the Judgement.
- B. By a person who is not a party but who is aggrieved by the judgement if he seeks and gets leave of the Court to prefer an appeal against the judgement.
- C. Either (A) or (B)
- D. None of the above

(ix) Which of the following deals with what court to hear appeals in the Code of Civil Procedure?

A. Section 111

B. Section 103

C. Section 106

D. Section 100

(x) Which of the following deals with the consolidation of suits in the Code of Civil Procedure?

A. Order 7 Rule 3

B. Order 2 Rule 5

C. Order 4 Rule 1

D. Order 6A Rule 8

E. None of the above

2. Answer in short the following questions :  
**(any five)** 2×5=10

(a) What do you mean by the term 'Right to Sue'? When does it survive?

(b) What is a Friendly Suit? What are the conditions which must be fulfilled before a court will hear a friendly suit?

- (c) What do you mean by the term Interrogatories? What are the objects of 'Interrogatories'?
- (d) What do you mean by the term cause of action? State its importance in the suit.
- (e) How can be Executing Court execute a decree?
- (f) Can a party in a suit incorporate a subsequent event in his pleadings? If so, how?
3. What do you mean by the term splitting of claims? Discuss in details the rules relating to joinder of claims. 12

**Or**

Define the term Representative suit and explain the procedure for filing such a suit? Is the concept of Res-Judicata applicable in respect of a decree passed in such a suit? If so, how?

4. What do you mean by the term interim orders? Discuss in brief the different types of such order as contemplated in the C.P.C highlighting the situations necessitating the passing of such order. 12

**Or**

Discuss the rules relating to appearance of parties and consequences for their non-appearance.

5. What is a special suit? Discuss the provisions for safeguarding the interests of minors or a lunatic in a suit filed by or against them. 12

**Or**

Who is an Indigent Person? Explain the provision laid down in the code for filing a suit by such a person.

6. Discuss the powers of an Appellate Court with special reference to Rule 33 order 41 of the CPC. 12

**Or**

Explain the statement that an Executing Court cannot go behind the decree and discuss the scope of such a court.

7. Discuss in brief the rules laid down in the Limitation Act which governs the computation of the period of Limitation. Is there any exception to the said rules? 12

**Or**

State the effects of 'acknowledgement' and 'payment against debt' on the period of Limitation' discussing in details the law relating to Acknowledgement ?

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