

QP Code : 23643

(3 Hours)

[ Total Marks : 100

- N.B. : (1) All questions are compulsory  
(2) Figures to the right indicate full marks.

1. Answer in one or two sentences.

- (a) What is misjoinder of parties ? 20  
(b) What is evasive denial?  
(c) What is pre-requisite for filing suit against the Government ?  
(d) Who is a Next Friend of minor?  
(e) What is an order?  
(f) What happens when the Plaintiff is absent on the date his suit is placed for hearing?  
(g) Who is a decree-holder?  
(h) What is the effect of acknowledgment in writing on limitation?  
(i) What is effect of Set off?  
(j) What is Precept?

2. Write Short Notes on Any Four

- (a) Appeals against Decrees and Orders 20  
(b) Modes of execution of decrees and orders.  
(c) Suits by and against Corporations and Firms.  
(d) Rejection of Plaint.  
(e) Extension of limitation.  
(f) Suit in Representative Capacity.

3. Solve any two with reasons

- (a) A and B, enter into a contract for sale of goods by A to B. The contract is made in Mumbai, the goods are delivered in Chennai, the payment of price is to be from Delhi. B fails to pay the price despite delivery of goods. A wants to file suit to recover the price from B. 12  
(i) In which city can he file the suit?  
(ii) Why?  
(b) C has taken loan of Rs.1,50,000/- from D against a Promissory Note. After the limitation period is over, C gives to D writing signed by him on stamp paper and acknowledges the loan.  
(i) What will be the effect of this writing on limitation?  
(ii) Would it make difference if the said writing was given, before the expiry of limitation?

(c) Mr. AB has filed a suit against Mr. CD. The Court has fixed 18th October 2011 for hearing, when the Plaintiff and his Advocate are present in court, at the time their case is called out. Mr. CD, the Defendant is absent but his Advocate is present. Mr. CD has suffered heart attack but could not inform his Advocate, so his Advocate could not inform the court about it. The Court passes an ex parte decree against Mr. CD.

- (i) What is Mr. CD's remedy?
- (ii) What would have happened if Plaintiff and his Advocates were also absent on that day?

4. Write Essay Type Answers on Any Four :

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- (a) Stay of Suit and Res Judicata.
  - (b) Creation of ownership by adverse possession under Limitation Act.
  - (c) Reference, Review and Revision.
  - (d) Summary Suits and their Procedure.
  - (e) Writ of Summons and modes of its service.
  - (f) Suit by or against indigent person.
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