

LL.B. (SEM V) (THREE YEAR DEGREE COURSE) AND FIFTH YEAR LL.B. (FIVE YEAR COURSE) (SEM IX) EXAMINATION, MARCH, 2015	SEM-V & SEM-IX	Civil Procedure Code and Limitation Act	Thursday, April 09, 2015	11:00 a.m. to 02:00 p.m.	13031	M
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Price : 5.00

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(3 Hours)

[Total Marks : 100

N.B. : (1) All questions are compulsory.

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CIVIL PROCEDURE CODE & LIMITATION ACT

1. Answer in not more than two sentences 20
 - (a) What is meant by costs in a suit?
 - (b) When is a suit abated?
 - (c) What is the provision for serving summons where defendant resides out of India?
 - (d) What is Letter of Request ?
 - (e) When is Receiver appointed by court?
 - (f) Who is a Judgment Debtor?
 - (g) What are pleadings of suit?
 - (h) What is effect of retirement of next of friend of a minor on suit?
 - (i) What is stay of suit?
 - (j) What is the effect of limitation on minority?

2. Write Short Notes on any four 20
 - a) Interpleader suit.
 - b) Reference Review and Revision.
 - c) Suits by and against minors and persons of unsound mind.
 - d) Jurisdiction and its types.
 - e) Property not liable to be attached in execution.
 - f) Writ of Summons and its service.

3. Solve any two with reasons and relevant provisions of CPC 12
 - a) Mr. A has filed a summary suit against Mr.B on the basis of dishonour of cheque of Rs.1.00 Lac. A serves upon B writ of summons together with copy of the plaint on 13th March 2015.
 - (i) Within what time Mr. B is required to enter his appearance either in person or by pleader?
 - (ii) What are the consequences of not filing the appearance within the specified period?

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- (b) C files suit against D for recovery of money in respect of goods sold and delivered to him. D files Written Statement and also sets up Counter Claim against C for defective goods sold and delivered to him and the loss suffered by him on that account.
- (i) Suit is dismissed for default. Can D proceed with his Counter Claim?
 - (ii) If C fails to put in a reply to the Counter Claim of D, whether D is entitled for judgment and decree against C in relation to the counter claim made by him against C ?
- (c) Mr. E is tradesman in Mumbai. Mr. F carries on business in Delhi. Mr. F makes a promissory note at Calcutta payable on demand and delivers it to Mr. E at Calcutta.
- (i) Can Mr. E sue Mr. F in Court at Mumbai?
 - (ii) Whether the Court at Calcutta has jurisdiction to try, entertain and dispose of such suit?

4. Write essay type detailed answers on any four:

- (a) Provisions relating to framing of issues and judgment on issues.
- (b) Provisions relating to Written Statement, Set off and Counter claim.
- (c) Issue of commissions and its types.
- (d) Acquisition of rights by prescription and creation of ownership by adverse possession under Limitation Act.
- (e) Summary Suits.
- (f) Execution of decrees.

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