

Exam	Sem. / Part / Year	Subject	Day	Date	Time	Code
276 & 277	LL.B. (SEM. V) (THREE YEAR DEGREE COURSE) AND FIFTH YEAR LL.B. (FIVE YEAR COURSE) (SEM.IX) (SEM V & IX)	Civil Procedure Code and Limitation Act	Monday	01-12-2014	11.00 am to 02.00 pm	17708

QP Code : 17708

(3 Hours)

[Total Marks : 100

1. Answer in not more than **two** sentences :-

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- What is Judgement.
- Who are authorized to appear in a Civil Court on behalf of parties?
- How the summons is served on Defendant who is confined in a prison ?
- What are pleadings?
- What is rejection of Plaint?
- What is meant by interrogatories?
- What is meant by next friend of a minor?
- What is an Execution of Decree ?
- What is non-joinder of parties to a suit?
- What are the materials on which issues are framed ?

2. Write Short Notes on any **four** of the following :-

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- Set-off & Counter-claim
- Effect of Acknowledgment in writing on limitation
- Appointment of receiver, his powers & duties
- Jurisdiction of court & its types
- Foreign Judgment
- Suit in Representative capacity.

3. Solve any **two** with reasons :-

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(a) A and B, both reside in Mumbai, in the same building. A has made an Agreement with B to sell his bunglow at Pune on 2nd October 2014 for the price of Rs.25,00,000/-. B has kept the Demand Draft for Rs.25,00,000/- ready and shown it to A, but A refuses to complete sale of bunglow as per Agreement.

- In which court can B file a suit against A, to enforce Agreement for sale of the bunglow?
- Can suit be filed in court at Mumbai?

(b) C has taken loan of Rs.1,50,000/- from D against a Promissory Note expiring on 1st October 2010. C gives to D writing signed by him on stamp paper, before the expiry of limitation, that he acknowledges the loan.

- What will be the effect of this writing on limitation period to D's claim to recover loan from C?
- Would it make difference if the said writing was given after the expiry of limitation?

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

What is Mr. F's remedies against the ex-parte decree?

4. Write essay type detailed answers on any four:

- (a) Set out in detail provisions of , ppeal, Reference, Review & Revision
- (b) Explain the provisions of acquisition of rights by prescription and creation of ownership by adverse possession under Limitation Act
- (c) "Suit abates upon death or insolvency of the parties to the suit" Explain.
- (d) Explain the provisions relating to suits by and against the minor ..
- (e) What are the provisions of Summary suits?
- (f) Explain the provisions relating to production, impounding and return of documents