

QP Code : **26007**

(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 sentence.

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- In which court can the suit to recover immovable property be filed?
- What is effect of filing of Caveat? -
- To what extent are the legal representatives of a deceased defendant liable in execution of decree passed against the deceased defendant?
- What is a Letter of Request?
- What is an ex-parte decree?
- What is the effect of part-payment on limitation?
- Can the defendant in a Summary Suit file his Written Statement, like regular suit?
- What is execution of decree?
- What is limitation for execution of Decree?
- What is meant by Pleadings?

2. Write Short Notes on Any Four :

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- Interpleader Suits.
- Third party procedure.
- Settlement of disputes outside Court under section 89 of CPC.
- Attachable and non-attachable properties in execution of decree.
- Acquisition of right by prescription under Limitation Act.
- Suit by or against insolvent person.

3. Solve any two problems with reasons.

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- In 2008, Mr.A conceals from Mr.B a document by which Mr.B is entitled to get gift of property. Mr. B discovers that document in the year 2012, after the limitation period.
 - Can Mr. B still file a suit to recover the property under that document?
 - Why?
- Mr. E files a suit against Mr. F for recovery of Rs.25,00,000/- for goods sold to him and Mr. F is served with writ of summons to file his Written Statement in court. Mr. F's contention is that he suffered a loss of Rs.5,00,000/- due to bad quality of some of the goods sold by Mr.E and as a result he wants to claim loss and damage from E.
 - Does Mr. F have to file separate-suit to recover his loss from Mr.E?
 - Why?

[TURN OVER]

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- (c) A and B, both reside in Mumbai, in the same building. A has made an Agreement with B to sell his bungalow at Pune, on B making payment of price of Rs.25,00,000/- by Demand Draft. B has kept the Demand Draft of Rs.25,00,000/- ready and shown it to A, but A refuses to complete sale of bungalow as per Agreement.
- (i) In which place can B file a suit against A to enforce Agreement for sale of the bungalow?
 - (ii) Why?

4. Write Essay Type Answers on Any Four :

- (a) Jurisdiction & its Types.
- (b) What is Limitation? When can it be extended under the various provisions of the Limitation Act?
- (c) Injunctions and interlocutory orders.
- (d) Suit by or against Minors & Persons of Unsound Mind.
- (e) Commissions, their Purpose and Procedure
- (f) Discovery, inspection and interrogatories.

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