

QP Code : CY-2292

(3 Hours)

[Total Marks : 100

1. Answer in **not more than two sentences** :- 20
- (a) What are the remedies available against the ex-parte decree ?
  - (b) What is a Summons for Judgment in Summary Suit ?
  - (c) What is meant by Commission ?
  - (d) What is a Letter of Request ?
  - (e) What are the consequences of death of Defendant during the pendency of the suit ?
  - (f) What is meant by Garnishee Notice ?
  - (g) Who can file suit on behalf of minor ?
  - (h) What is meant by pleadings ?
  - (i) What is a Foreign Judgement ?
  - (j) What is a Reference ?
2. Write short notes on any **four** :- 20
- (a) Appointment of Receiver, his powers and duties.
  - (b) Stay of suit and Res Judicata.
  - (c) Set-off and counter claim.
  - (d) Temporary injunctions.
  - (e) Amendment of pleadings.
  - (f) Effect of Acknowledgment in writing on limitation.
3. Solve any **two** with reasons :- 12
- (a) A filed a suit against B in the City Civil Court at Mumbai. B objects on the ground that the court has no jurisdiction and the court agrees to the objection.
    - (i) What is remedy available to A ?
    - (ii) Will the court fees paid by A be refunded to him.
  - (b) D wants to file an appeal in Bombay High Court. Limitation is expiring on 26th January, 2011. Which is a Court holiday. On 27th January curfew is imposed for 7 days due to terror attack.
    - (i) Advise D about effect of such situation on filing appeal.
    - (ii) Will his Appeal be admitted after limitation expires in these circumstances?
  - (c) C files a suit against D and serves write of summons. The date fixed for appearing in court is 5th April, 2011, when D is hospitalized and he cannot attend the court. So, Ex-parte decree is passed against D.  
What is the remedy of D, to set aside ex-parte decree ?

4. Write essay type answers, any four :-

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- (a) Abatement of suit on death or insolvency of parties to suit.
- (b) Suits against firms and corporations.
- (c) What is writ of summons ? How is it served ?
- (d) Appeal, Reference, Review and Revision.
- (e) What is limitation ? When can it be extended under the various provisions of the Limitation Act ?
- (f) Commission, its purpose and procedure.