

2024

LAW

Paper: LLB 402

(Civil Procedure Code & Limitation Act)

Full Marks: 80

Pass Marks: 36

Time: Three hours

The figures in the margin indicate full marks for the questions

1. Choose the correct answer : **1x10=10**

- (i) Rejection of Plaint for the non -payment of court fees _____ .
- (i) is a decree
 - (ii) is not a decree
 - (iii) is an order
 - (iv) is not an order
- (ii) The first uniform code of Civil Procedure was enacted in the year _____.
- (i) 1858
 - (ii) 1859
 - (iii) 1908
 - (iv) 1980
- (iii) The Code of Civil Procedure is _____ law.
- (i) adjective
 - (ii) substantive
 - (iii) procedural
 - (iv) statutory

- (iv) **Equitable set-off** is for _____ sum of money.
- (i) Ascertained
 - (ii) Unascertained
 - (iii) liquidated
 - (iv) unliquidated
- (v) The right to appeal is _____.
- (i) a natural right
 - (ii) creation of statute
 - (iii) constitutional right
 - (iv) legal right
- (vi) The law of limitation is _____ in operation.
- (i) prospective
 - (ii) retrospective
 - (iii) retroactive
 - (iv) none of the above
- (vii) A statement given by a judge on the ground of decree or order is called _____.
- (i) final order
 - (ii) interlocutory order
 - (iii) judgment
 - (iv) speaking order
- (viii) The High Court may exercise revisional jurisdiction.
- (i) only on the application of party
 - (ii) on its own
 - (iii) to correct judicial errors
 - (iv) none of the above

- (ix) An appeal against a decree or order can be filed in a High Court within _____.
- (i) thirty days
 - (ii) ninety days
 - (iii) sixty days
 - (iv) forty five days
- (x) The period of limitation for the recovery of the immovable property is _____.
- (i) 3 years
 - (ii) 12 years
 - (iii) 9 years
 - (iv) 6 years

2. Write short notes on :

2x5=10

- (i) Decree
- (ii) Mesne Profits
- (iii) Interlocutory order
- (iv) Facta probanda
- (v) Interim orders

3. (a) Explain Doctrine of "Resjudicata". State the conditions for applicability of the doctrine of Resjudicata. 4+8=12

Or

- (b) Discuss the provisions for determining the Jurisdiction of the Civil Court. What is procedure when the court has no jurisdiction to try a suit filed before it? 8+4=12

4. (a) What are Pleadings? When can pleadings be amended? On what grounds court may reject an amendment? $4+4+4=12$

Or

- (b) Explain the fundamental rules of pleadings. When the amendment of pleadings is permissible. $8+4=12$

5. (a) What is an "Issue"? How are the issues framed? What are the effects of nonframing of issues in suit? $2+6+4=12$

Or

- (b) What is "attachment before Judgment"? Discuss the provisions relating to powers of Court for such attachment. $4+8=12$

6. (a) What do you mean by summon? What are the different kinds and purposes of summon? Discuss different modes of service of summon. $2+2+8=12$

Or

- (b) What is an appeal? What are the essentials of an appeal? Distinguish between appeal and revision. $2+3+7=12$

7. (a) What is 'Review'? On what grounds a review is allowed? Discuss the procedural aspects of review. $2+4+6=12$

Or

- (b) What is reference, review, revision. Discuss the relevant provisions. What is difference between Reference and Revision? $4+4+4=12$

2026

LAW

Paper : LLB402

(Civil Procedure Code and Limitation Act)

Full Marks: 80

Pass Marks: 36

Time: 3 Hours

*The figures in the margin indicate
full marks for the questions*

1. Choose the correct answer: 1x10=10

(a) The code of Civil Procedure is an/a _____ law.

(i) Adjective

(ii) Substantive

(iii) Procedural

(iv) Statutory

(b) _____ means the formal expression of any decision
of a Civil Court which is not a decree.

(i) Order

(ii) Judgement

(iii) Award

(iv) Interim Order

(c) Equitable set-off is for _____ sum of money.

(i) Ascertained

(ii) Unascertained

(iii) Liquidated

(iv) Unliquidated

(d) The High Court may exercise revisional jurisdiction _____.

- (i) on its own
- (ii) only on the application of the party
- (iii) to correct judicial error
- (iv) both (i) and (iii)

(e) The period of limitation for the recovery of the immovable property is _____.

- (i) 3 years
- (ii) 5 years
- (iii) 12 years
- (iv) 20 years

(f) _____ of the Limitation Act provisions for extension of time in certain cases.

- (i) section 4
- (ii) section 5
- (iii) section 3
- (iv) section 8

(g) An application for setting aside ex-parte decree can be made within _____ days from the date of decree.

- (i) Thirty days
- (ii) Forty days
- (iii) Sixty days
- (iv) Ninety days

(h) The expression _____ means the judicial examination of the decision by the higher Court of decision of inferior Court.

- (i) Review
- (ii) Revision
- (iii) Appeal
- (iv) Reference

(i) The Court on being satisfied of the fact of minority of defendant has to appoint _____.

(i) Legal guardian (ii) Ad-hoc guardian

(iii) Guardian-ad litem (iv) Next friend

(j) Period of limitation for instituting a suit to enforce payment of money secured by mortgage upon immovable property is _____ years from the date when the money sued for become due.

(i) Three

(ii) Five

(iii) Ten

(iv) Twelve

2. Answer the following questions:

2x5=10

(a) Define "Decree".

(b) Against whom Mesne profit can be claimed?

(c) What is Res Judicata?

(d) Next friend of a minor.

(e) What is an interim order?

3. Discuss the provisions for determining the jurisdiction of the Civil Court. What is the procedure when the court has no jurisdiction to try a suit filed before it? **6+6=12**

Or

What are pleadings? When can pleadings be amended? On what grounds Court may reject an amendment? **4+4+4=12**

4. What is an "issue"? How are the issues framed? What are the effects of non framing of issues in suit? $2+6+4=12$

Or

What is summon? What are the different modes of service of summons? Explain consequences, if defendant refuse to accept summons? $2+6+4=12$

5. Discuss the provisions relating to suits by or against the government? In what situation a suit against the government may be instituted without issuing the notice under section 80 of the CPC? $8+4=12$

Or

What is an injunction? Against whom injunction may be issued? When can a Civil Court grant temporary injunction? $8+4=12$

6. What is an appeal? What are the essentials of an appeal? Distinguish between appeal and revision. $2+4+6=12$

Or

What is Review? On what grounds a review is allowed? Discuss the procedural aspects of review. $2+4+6=12$

7. Explain the nature, object and applicability of the law of Limitation. Discuss briefly the salient features of the Law of Limitation, 1963. $6+6=12$

Or

Write explanatory notes on:

$4 \times 3 = 12$

- (a) Condonation of delay.
- (b) Doctrine of sufficient cause.
- (c) Doctrine of Legal disability.

2026

LAW

Paper : LLBCC2075

(Civil Procedure Code and Limitation Act)

Full Marks: 70

Pass Marks: 32

Time: 3 Hours

The figures in the margin indicate full marks for the questions

1. Choose the correct answer: 1x6=6

(i) Period of limitation for filing an application for a review of judgment is _____ days.

- (a) 30
- (b) 60
- (c) 90
- (d) 101

(ii) The period of limitation for the recovery of the immovable property is _____ years.

- (a) 3
- (b) 7
- (c) 9
- (d) 12

(iii) _____ provides the inherent power of the Civil Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court.

- (a) Section 151
- (b) Section 148
- (c) Section 161
- (d) Section 137

(iv) A pleading in order VI rule 1 in CPC is _____.

- (a) Appeal
- (b) Revision
- (c) Plaint and Written Statement
- (d) Interlocutory application

(v) The formal expression of final adjudication is called _____.

- (a) Order
- (b) Judgment
- (c) Appeal order
- (d) Decree

(vi) Period of limitation for institution of a suit for compensation for libel is _____ years from the date when the libel is published.

- (a) One
- (b) Three
- (c) Seven
- (d) Nine

2. Answer the following questions (any five): 2x5=10

- (a) Doctrine of sufficient cause
- (b) Ex - parte decree
- (c) Res judicata
- (d) Mense profit
- (e) Legal disability
- (f) Interpleader suit
- (g) Notice

3. Answer the following questions (any six): 5x6=30

- (a) What particulars are necessary to be contained in a plaint?
- (b) What are the consequences for non-appearance of parties in a civil suit?
- (c) Discuss the general rules for constitution of pleading.
- (d) What is attachment before judgment?
- (e) Explain about suits by or against government.
- (f) What is issue? How are the issues framed?
- (g) What are the purposes for which receivers are appointed?
- (h) What are the rules of limitation regarding exclusion of time in legal proceedings?
- (i) Who may be joined as plaintiff and defendants?

4. Answer the following questions (any two): 12x2=24

- (a) "Limitation extinguishes remedy, but not right". Explain.

6+6=12

- (b) What is summon? What are the procedures of service of summons? Explain consequences if defendant refuse to accept summons. $2+6+4=12$
- (c) What is appeal? Explain the various types of appeal provided under civil procedure code. $2+10=12$
- (d) Explain the term reference. State the circumstances on which reference can be made and how does it differ from review. $2+10=12$
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