

2019

**CIVIL PROCEDURE CODE AND
LIMITATION ACT**

Paper : 4-2

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answer given in the brackets : 1×10=10
 - (a) The first uniform code of Civil Procedure was enacted in the year _____.
(1859/1908)
 - (b) The Code of Civil Procedure is an _____. (adjective/substantive law)
 - (c) _____ means the formal expression of any decision of a Civil Court which is not a decree. (Order/Judgement)

Contd.

(d) The Code of Civil Procedure 1908 was amended last in _____. (2001/2002)

(e) _____ means any person against whom a decree has been passed on an order capable of execution has been made. (Decree holder/Judgement debtor)

(f) _____ of the Limitation Act provides for extension of time in certain cases. (Section 5/Section 3)

(g) The Law of Limitation Act, 1963 applies to _____ only. (Courts/Tribunals)

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

(i) Every suit by a minor is to be instituted in his name by a person who in such suit is to be called the _____ (next friend/guardian *ad litem*) of the minor.

(j) A second appeal lies to the High Court on the ground of a _____ (substantial question of law/question of fact)

2. Explain the following questions :

2×5=10

(a) "Decree".

(b) Mesne Profits.

(c) Next friend of a minor.

(d) What is first hearing?

(e) Interlocutory order.

3. Discuss the essentials of a Civil suit.

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 nonframing of issues in suit?

2+6+4=12

OR

What is "attachment before Judgement"? Discuss the provisions relating to Powers of Court for such attachment.

4+8=12

5. What is an appeal? What are the essentials of an appeal? Distinguish between appeal and revision. 2+3+7=12

OR

“An executing court cannot go behind the decree”. Elucidate the statement pointing out the exception, if any. 12

6. Discuss the provisions relating to suits by or against Government. 12

OR

What is injunction? Against whom injunction may be issued? When can a Civil Court grant temporary injunction?

2+2+8=12

7. Explain the object and reasons for the law of limitation. 12

OR

Explain the terms : 3×4=12

- (a) Condonation of Delay
- (b) Sufficient Cause
- (c) Legal disability.

Total number of printed pages—4

19 (IV) CPRC 4·2

2018

CIVIL PROCEDURE CODE

Paper : 4·2

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answer given in the brackets : $1 \times 10 = 10$
- (a) The Code of Civil Procedure, 1908 came into force with effect from _____.
(1st January, 1909/26 February, 1909)
- (b) _____ means any person in whose favour a decree has passed or an order capable of execution has been made.
(Decree-holder/Judgement debtor)
- (c) A Second appeal lies to the High Court on the ground of a _____.
(substantial question of Law/question of fact)

Contd.

2018=2

- (d) The law of limitation is _____. 3. (Procedural Law/Substantive Law)
- (e) An appeal against a decree or order can be filed in a High Court within _____. (Thirty days/Ninety days)
- (f) A suit in a Civil Proceeding instituted by the presentation of _____. (plaint/written statement)
- (g) The Period of Limitation for recovery of immovable property is _____. (12 years/3 years)
- (h) Pleading must state the _____. (facts/law)
- (i) The Provisions of Limitation Act, 1963 _____ to writ petition filed in the Supreme Court or in the High Court. (apply/do not apply)
- (j) _____ deals with temporary injunctions. (Order 39/Order 40)
2. Explain the following terms : 2x5=10
- (i) Affidavit
- (ii) Caveat
- (iii) Cause of action
- (iv) Pauper Suit
- (v) "Garnishee Order".

e p c

2018 = 2

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

OR

What do you mean by "Plaint"? What particulars should a Plaint contain? What are the grounds for rejection of Plaint? 2+5+5=12

4. Explain the term "decree". What are the essentials of a decree? Distinguish between a "decree" and "Judgement". 2+5+5=12

OR

When should a defendant enter appearance in a suit? What consequence the defendant is to face for non-attendance after summons was duly served? What remedies are available to such a defaulting defendant? 4+4+4=12

5. What is "injunction"? When can a Civil Court grant temporary injunction? What is the remedy for violation of temporary injunction? 2+6+4=12

2018-4

OR

On what grounds a Second appeal lies? State the circumstances when a new point can be raised for the first time in Second appeal.

6. Discuss the provisions relating to Suits by or against minor and lunatics.

12

OR

Write explanatory notes on : **(any two)**

- (a) Attachment before Judgement
- (b) Different modes of Service of Summons
- (c) Power of Court to issue Commission.

7. "Limitation bars the remedy but does not extinguish the title" — Explain. How far is it applicable to the suit for possession?

8+4=12

OR

Write in brief the important provisions of Law of Limitation. What do you mean by 'barred by Limitation'? Give examples.

8+4=12

Total number of printed pages-4

19 (IV) CPCL 4.2

2017

**CIVIL PROCEDURE CODE AND
LIMITATION ACT**

Paper : 4.2

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answer given in the brackets : $1 \times 10 = 10$
 - (a) Set-off for unascertained sum of money is _____. (not permissible/ permissible as equitable set-off)
 - (b) The Code of Civil Procedure, 1908 is _____. (special procedural law/ general procedural law)
 - (c) The Court on being satisfied of the fact of minority of the defendant has to appoint _____. (guardian *ad litem*/ legal guardian)

Contd.

opc

2017 = 2

- (d) In interpleader suit, the real dispute is between _____. (the plaintiffs/ the defendants)
- (e) In an appeal, the respondent may file cross-objection in the form of _____. (Memorandum of appeal as far as applicable/an application)
- (f) The law of limitation is _____ in operation. (prospective/retrospective)
- (g) _____ is an exception to the general rule that "Law of Limitation" bars the remedy only but does not extinguish the right. (Right to property/Breach of contract)
- (h) _____ means any person against whom a decree has been passed or an order capable of execution has been made. (Decree holder/Judgment-debtor)
- (i) _____ relates to crimes and punishes offenders. (Civil jurisdiction/Criminal jurisdiction)
- (j) _____ means a case already decided. (*Res subjudice/Res judicata*)

2. Explain the following terms : 2x5=10

- (a) Particulars
- (b) Mesne Profits

2017 = 2

- (c) Next friend of a minor
- (d) Summons
- (e) Matter in issue.

3. Discuss the provisions of the Code of Civil Procedure dealing with jurisdiction of Courts. 12

Or

Discuss the essentials of a civil suit. 12

4. Define the term "issue". How are the issues framed ? What are the consequences of failure to frame issues ? Cite case-law. 2+6+4=12

Or

What is an appeal ? What are the different kinds of appeal under the Code of Civil Procedure ? Explain the powers and duties of the appellate court. 2+2+8=12

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

2017 = 4

Or

Distinguish between :

4×3=12

- (a) Appeal and Second Appeal
- (b) Review and Revision
- (c) Set-off and Counter-claim.

6. Write explanatory notes on : **(any two)**

6×2=12

- (a) Service of summons
- (b) Suits by or against corporation
- (c) Summary suits.

Or

Write an essay on the causes of delay in Civil litigation. Refer the amendments of the Civil Procedure Code in 1999 and 2002. Refer case-law.

12

7. Explain the meaning, nature and object of the law of limitation.

12

Or

“When once time has begun to run, no subsequent disability or inability to sue stops it.” — Explain. State the exceptions, if any.

12

Total number of printed pages-7

19 (3-IV) CPCL 4-2

2016

**CIVIL PROCEDURE CODE AND
LIMITATION ACT**

Paper : 4-2

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answer
given in the brackets : $1 \times 10 = 10$

(a) Permission to sue as an indigent person
once granted _____

(can not be withdrawn / can be
withdrawn under certain circumstances)

Contd.

2016 = 2

- (b) An appeal can be filed by _____.
(any one of the parties / any person aggrieved)
- (c) In Nagaland, the Code of Civil Procedure, 1908 is _____.
(fully applied in letter / applied in spirit)
- (d) In computing the period of limitation for instituting a suit against the Government or a Public Officer, the period of notice has to be _____.
(included / excluded)
- (e) _____ must be sworn or affirmed before an authorised officer.
(Affidavit / Verification)
- (f) If a review application is rejected, the aggrieved party _____.
(may file an appeal / can not file an appeal)

CPL
2016 = 3

- (g) Particulars are to be furnished in pleadings _____. (in each case/ depending on the circumstances of each case)
- (h) Limitation Act, 1963 does not apply to _____. (appeals / writ petitions)
- (i) Plea of Laches may be raised against _____. (the defendant only / either plaintiff or defendant)
- (j) An agreement or compromise in a representative suit can be entered when there is _____.
(leave of the Court/consent of the Advocate General)

2. Answer the following questions : 2×5=10

- (a) Explain the term "Garnishee Order".

2016 = 4

- (b) What are the circumstances under which there may be appeal against consent decree ?
- (c) Distinguish between stay and injunction.
- (d) What is 'first hearing' ?
- (e) What is "acknowledgement" for the purpose of the Limitation Act, 1963.

3. (a) Discuss the particulars to be furnished in a plaint.
- (b) Mr. X presents a plaint with insufficient Court-fee. How should the Court proceed in this case ? $6+6=12$

Or

- (a) Narrate the principles regarding "denial" by a defendant in his written statement as set forth in the Code of Civil Procedure.

epc
2016 = 5

- (b) In a suit the defendant seeks more than 90 days' time for submission of Written Statement. How should the Court proceed ? Cite case-law. $6+6=12$
4. Enumerate different kinds of interim orders under the Code of Civil Procedure. What is the procedure for granting ex-parte adinterim injunction ? $4+8=12$

Or

Discuss the principles for appointment of a receiver. Discuss the powers, duties and liabilities of a receiver. $6+6=12$

5. Explain the following terms : $3 \times 4 = 12$
- (a) Cross-objection
- (b) Substantial question of law
- (c) Interference with concurrent findings.

CPC
2016 = 6 Or

Distinguish between :

3×4=12

- (a) Review and Appeal
- (b) Necessary Party and Proper Party
- (c) Legal Set-off and Equitable Set-off.

6. Discuss the provisions relating to suits by or against Government. 12

Or

Discuss the provisions relating to suits by or against minors and lunatics. 12

7. "Limitation bars the remedy but does not extinguish the right." — Explain. 12

Or

Explain the terms :

- (a) Sufficient cause

2016 = 7

- (b) Continuous running of time
- (c) Legal disability.

Total number of printed pages-4

19 (3-IV) CPCL

2015

**CIVIL PROCEDURE CODE &
LIMITATION ACT**

Paper : 4·2

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answer given in the brackets : 1×10=10
 - (a) The Code of Civil Procedure, 1908 was amended last in _____. (2001/2002)
 - (b) _____ means formal expression of any decision of a Civil Court which is not a decree. (Judgement / Order)
 - (c) Equitable set-off is for _____ sum of money. (Ascertained / Unascertained)

Contd.

2015=2

- (d) The Court on being satisfied of the fact of minority of the defendant has to appoint _____ (guardian *ad litem* / Legal guardian).
- (e) In interpleader suit, the real dispute is between _____. (the plaintiffs / the defendants).
- (f) The person causing breach or disobedience of the terms injunction may be detained in the civil prison for a term extending upto _____. (six months / three months).
- (g) The right to appeal is _____ (a natural right / creation of statute)
- (h) The Respondent may file cross-objection in the form of _____. (Memorandum of appeal so far as applicable / an application)
- (i) The law of limitation is _____ in operation. (Prospective / retrospective)
- (j) _____ is exception to the general rule that "Law of Limitation bars the remedy only but does not extinguish the right. (Right to property / Breach of contract)

2015 = 3

cpc

2. Answer the following questions : $2 \times 5 = 10$
- (a) Explain the term 'Facta probanda'.
- (b) What do you mean by the term 'interim orders' ?
- (c) What are the different kinds of appeals under the Code of Civil Procedure, 1908 ?
- (d) Against whom mesne profits can be claimed ?
- (e) Explain the term 'Sufficient Cause'.
3. Explain the term 'decree', essentials of a decree and different kinds of decrees. $2+4+6=12$

Or

Discuss the essentials of a Civil Suit. 12

4. Define the term 'issue'. What are the materials on the basis of which issues are framed ? What are the objects for framing issues ? $2+5+5=12$

Or

What do you mean by summons ? What are the different kinds or purposes of summons ? Discuss different modes of service of summons. $2+2+8=12$

2015 = 4

5. Write explanatory notes on : **(any two)** 6+6=12

- (a) Suits by indigent persons,
- (b) Notice u/s 80 CPC
- (c) Interpleader suit.

Or

Distinguish between : 4×3=12

- (a) Second Appeal and Revision
- (b) Set-off and Counter-claim
- (c) Procedural law and Substantive law.

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

Or

"An executing Court can not go behind the decree". Elucidate the statement pointing out the exceptions, if any. 12

7. "The statute of limitation is the statute of repose, peace and justice" _____
Explain the statement. 12

Or

"When once time has begun to run, no subsequent disability or inability to sue stops it"— Explain the statement. State the exceptions, if any. 12

2014

**CIVIL PROCEDURE CODE &
LIMITATION ACT**

(New Course)

Paper : 4-2

Full Marks : 80

Time : Three hours

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

Answer Q. No. 1 & 2 and any five from the rest.

1. Choose the correct option from the given options :
1×10=10

(i) Any order of dismissal for default is not a decree

(a) True

(b) False.

Contd.

2014 - 2

- (ii) In default in filing of written statement, pronouncement of Judgement is
- (a) Mandatory
 - (b) discretionary
 - (c) either (a) or (b)
 - (d) directory.
- (iii) Section 17 of the Limitation Act takes into consideration
- (a) Frauds
 - (b) Mistakes
 - (c) Concealments
 - (d) all of the above.
- (iv) The court may allow either party to alter or amend the pleadings
- (a) at any stage of the proceedings
 - (b) only before evidence is bad
 - (c) after the decree is passed
 - (d) All of the above.

epc
2014 - 3

- (v) The plaint can be rejected —
- (a) when it does not disclose the cause of action
 - (b) where the relief claimed is undervalued
 - (c) where court fees are not paid
 - (d) All or any of the above.
- (vi) A receiver may be appointed
- (a) during the pendency of the proceedings
 - (b) after the decree
 - (c) either (a) or (b)
 - (d) before the institution of the suit.
- (vii) Case may be referred for opinion to —
- (a) The High Court
 - (b) The District Court
 - (c) City Civil Court
 - (d) All of the above.

cpc

2014 = 4

(viii) A party filing an affidavit in court —

- (a) can be cross-examined upon it
- (b) the other party can adduce evidence to contradict it
- (c) cannot be cross-examined
- (d) (a) and (b) above.

(ix) A permission to sue as pauper once granted —

- (a) can never be withdrawn
- (b) can be withdrawn under certain circumstance

(x) A judgement can be reviewed on the ground of —

- (a) Discovery of new important evidence
- (b) Mistake or error of fact of the record
- (c) (a) and (b).

2014 = 5

2. Answer the following questions : $2 \times 5 = 10$

- (i) Who is an indigent person ?
- (ii) Who is a Next friend of a minor ?
- (iii) Equitable set-off
- (iv) Caveat
- (v) What is mesne profit ?

3. Discuss the Provisions under Code of Civil Procedure dealing with Jurisdiction of the courts. 12

Or

What are pleadings ? When can pleadings be amended ? On what grounds court may reject an amendment sought to be made in pleadings ?

$4+4+4=12$

4. When is defendant to enter appearance in a suit ? What consequence the defendant is to face for non attendance after summons was duly served ? What remedies are available to such a defaulting defendant ?

$4+4+4=12$

CPC
2014 = 6 Or

What do you understand by 'issues of fact' and 'issues of law'? How far the court is bound to frame issues? How the issues are framed by court? $4+4+4=12$

5. Explain the powers and procedure of civil court in granting temporary injunctions. Can the court grant ad-interim injunction against the Government or Public Officer without serving notice. $8+4=12$

Or

What is 'attachment before judgement'? Discuss the provisions relating to powers of court for such attachment. $4+8=12$

6. On what ground a second appeal lies? Distinguish between second appeal and revision. 12

Or

Under what circumstances the High Court can exercise its revisional power under the Code of Civil Procedure? Discuss the extent and limitations of the High Courts power of revision. $8+4=12$

2014 = 7

7. "Limitation bars the remedy but does not extinguish the title". — Explain. 12

Or

Explain the objects and reasons for the Law of Limitation. 12