

LLB
FOURTH SEMESTER
CIVIL PROCEDURE CODE & INDIAN LIMITATION ACT
LLB - 402

(USE SEPARATE ANSWER SCRIPTS FOR OBJECTIVE & DESCRIPTIVE)

Duration: 3 hrs.

Full Marks: 80

[PART-A: Objective]

Time: 30 min.

Marks: 30

Choose the correct answer from the following:

1×10=10

1. Decree includes-
 - a. Any order of dismissal for default
 - b. Rejection of Plaintiff
 - c. Determination of any question u/s-144
 - d. Summon
2. Order of dismissal for default is-
 - a. Preliminary decree
 - b. Final decree
 - c. Partly preliminary partly final decree
 - d. None of the above
3. Every _____ is appealable.
 - a. Decree
 - b. order
 - c. Both (a) and (b)
 - d. profit
4. Which one of the court has original as well as appellate jurisdiction?
 - a. Revenue court
 - b. District court
 - c. Munsiffs court
 - d. All of the Above.
5. The doctrine of Res sub judice is provided under section-
 - a. Section-9
 - b. Section-10
 - c. Section-11
 - d. Section-12
6. The term Res judicata means-
 - a. Stay of proceedings
 - b. Further proceedings
 - c. Matter adjudicated
 - d. None of them
7. A Foreign Judgement not pronounced by Court of Competent Jurisdiction will-
 - a. Be not conclusive
 - b. Be conclusive
 - c. Based on fraud
 - d. None of the above.
8. The Precise documents of Claims is known as-
 - a. Allegations
 - b. Pleadings
 - c. Cause of Action
 - d. Certified Copy
9. The document instituted by plaintiff in civil suit is-
 - a. Cause of action
 - b. Demand
 - c. Plaintiff
 - d. Values
10. A legal set-off is available only to the-
 - a. Defendant
 - b. Witness
 - c. Evidence
 - d. Plaintiff

Answer the following:

2×10=20

11. What do you mean by Decree and Order in Civil Suits?
12. What is Mesne Profits?
13. What is Written Statement and Set-off in Civil Suits?
14. What do you mean by Ex-Parte Decree?
15. What do you mean by Caveat?
16. What is Interpleader Suits?
17. State two powers of Appellate Court in Civil Suits.
18. Mention two modes of service of summons in Civil Suits.
19. State two grounds for amendment of Pleadings in Civil Suits.
20. Define Mis-joinder and Non - joinder of Parties in Civil Suits.

(PART-B : Descriptive)

Time : 2 hrs. 30 min.

Marks: 30

[Answer the following Questions]

1. Define Decree, Order and Judgment and distinguish between them. 3+7=10
OR
What do you mean by Res Judicata? Mention the circumstances when the principle of Res Judicata is applicable in civil suits. 3+7=10
2. Define Plaintiff and its contents required in civil suits. 2+8=10
OR
Discuss briefly about amendment of pleadings in civil suit and the instances when amendment is not allowed. 5+5=10
3. Explain Caveat and its application in civil suits with case laws. 2+8=10
OR
Discuss the appointment, duties and removal of a Receiver in Civil Suits. 10
4. Discuss about Appeals from Original Decree along with case laws. 10
OR
Discuss about Appeals to the Supreme Court along with case laws. 10
5. Explain the execution of Foreign Decree in India under section- 44 A of Civil Procedure Code, 1908. 10
OR
Describe the execution of decree by Attachment and Sale of Property under section- 51(b) of Civil Procedure Code, 1908. 10

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