

PARUL UNIVERSITY
FACULTY OF LAW
I- B.A. LLB. Winter 2019 – 20 Examination

Semester: 6

Date: 11/12/2019

Subject Code: 17300353

Time: 10.30 am to 1.00 pm

Subject Name: Civil Procedure Code & Limitation Act

Total Marks: 60

Instructions:

1. All questions are compulsory.
2. Figures to the right indicate full marks.
3. Make suitable assumptions wherever necessary.
4. Start new question on new page.

Q.1 Do as directed.**(15)**(MCQ, True or False, Definitions, Explain terms) (1 marks each. All Compulsory)

1. A sues B on a bill of exchange for Rs.500, B holds a judgment against A for Rs.1000. The two claims being both definite pecuniary demands may be set off. The illustration is given in

A. Order VIII, R. 5, C.P.C	B. Order VIII, R. 6, of C.P.C
C. Order VIII, R. 7, of C.P.C	D. None of These

2. Ex parte order can be passed in favour of

A. Plaintiff	B. Defendant
C. Both (a) and (b)	D. None of These

3. Order XXI, of C.P.C. deals with_____

A. Execution of decrees	B. Execution of Orders
C. Execution of both (a) and (b)	D. None of These

4. "Pauper" means a person

A. Who does not possess sufficient means to enable him to pay the fee prescribed by law for the plaint in suit	B. The person who does not possess property worth 1000/- rupees other than his necessary wearing
C. Both (a) and (b)	D. None of These

5. Reference to the High Court may be sended upon

A. When the executing Court faces doubt in question of law	B. When executing Court Faces doubt in question fact
C. Both (a) and (b)	D. None of These

6. Time consumed in legal proceeding can be excluded while computing limitation period. **True or False**

7. The 'Code of Civil Procedure' is a 'Substantive Law'. **True or False**

8. The object of the Code is to consolidate all the laws relating to the procedure to be adopted by the Civil Courts and amend the law relating to the procedure of Courts of Civil Procedure. **True or False**

9. 'Code of Civil Procedure' extends to the whole of India, except the State of Jammu & Kashmir and the State of Nagaland and Tribal Areas. **True or False**

10. The Law of Limitations limits or prescribes a time after the lapse of which suit or other proceedings cannot be maintained in a Court of law or the persons liable to sue shall become exempt from answering therein. **True or False**

11. Explain "Mesne Profits"
12. Explain "Legal Representative"
13. Explain "period of limitation" & "prescribed period"
14. What does Section 5 of Indian Limitation Act provides?
15. Explain "Continuous running of time" as per Indian Limitation Act.

Q.2 A) Write short notes on (Each of three mark) (15)

1. Differentiate Between Decree and Order.
2. Suit by or against Government.
3. Interpleader suit.
4. Jurisdiction & Institution of Suit.
5. Alternative disputes resolution.

Q.3 A) Discuss general provisions relating to Appeal. (08)

OR

A) What is doctrine of res judicata? When can this doctrine be applied? Explain the scope and object of res-subjudice. (08)

B) Which court has power for execution of decrees? Explain the various modes of execution of decree. (07)

OR

B) Explain reference, review and revision & differentiate between reference, review and revision. (07)

Q.4 A) Answer the following (07)

- i. The court is closed on the last date of limitation period. 'Z' seeks extension of limitation period on that ground. Will he succeed? State reason
- ii. 'Q' seeks condonation of delay for not preferring an appeal within the period of limitation because of engrossing in his marriage. Is it condonable? State reason
- iii. Explain legal disability under Limitation Act.
- iv. State any four general rules for calculation of period of limitation for filing suit.

B) Answer the following (short questions with option) (Each of two mark) (08)

1. Caveat
2. Inherent powers of courts
3. Set-off

OR

- Counter claim
4. Summon to witness

OR

Judgement Debtor & Decree Holder