

Reg. No. :

Name :

**Fifth Semester B.A. LL.B./B.Com. LL.B./B.B.A. LL.B. (Five Year Integrated)
Degree Examination, November 2021**

Paper III : CIVIL PROCEDURE CODE AND LIMITATION ACT

Time : 3 Hours

Max. Marks : 80

I. Explain any **five** of the following. Each question carries **2** marks. Answer Should not exceed **50** words each.

- (a) Procedural Law
- (b) Decree
- (c) Judgment Debtor
- (d) Foreign Court
- (e) Order
- (f) Mesne Profit
- (g) 'Effect of acknowledgement in writing' under Limitation Act'.

(5 × 2 = 10 Marks)

II. Answer any **four** of the following. Each question carries **4** marks. Answer should not exceed **120** words each.

- (a) Courts shall have jurisdiction to try all suits of civil nature unless barred. Explain.
- (b) When does a suit be stayed as Res Sub judice?

- (c) When does the court order to pay interest?
- (d) Examine the provisions relating to transfer of decree under Code of Civil Procedure.
- (e) What are the rules of limitation regarding 'exclusion of time in legal proceedings'?

(4 × 4 = 16 Marks)

III. Answer any **four** of the following. Each question carries **6** marks.

- (a) Mr. A wants to file a suit for recovery of immovable property. The property is situated within the jurisdiction of civil courts two different places. That is place PQR and Place XYZ. Where can Mr. A file suit. Advise.
- (b) In a suit between Mr. P and Mr. Q, Mr. P reliably understands that Mr. Q (the defendant) with the intent to obstruct or delay the execution of any decree that may be passed against him, is about to dispose of the whole or any part of his property. What is the course of action available to Mr.P (the plaintiff) under Code of Civil Procedure? Advise.
- (c) The property in dispute in a suit between Mr. George (the Plaintiff) and Mr. Joseph (the defedant) is in danger of being damaged or alienated by Mr. Joseph. Advise the legal steps Mr. George can initiate.
- (d) A suit for partition, pending before Subordinate Judge's Court Ernakulam was posted for hearing on 01.01.2020. However, neither plaintiff nor defendant appeared before the court on 01.01.2020. What is consequence of the above?
- (e) Mr. Fazal wanted to file a suit against Mr. Mohammed for recovery of Money. However, the period of limitation prescribed expires on a date when the court is closed. What advise does advocate of Mr. Fazal can give him in this respect?

(4 × 6 = 24 Marks)

IV. Answer any **three** of the following. Each question carries **10** marks.

- (a) Discuss the rules regarding issue and service of summons under Code of Civil Procedure.
- (b) Explain the rules regarding written statement and the contents of Written Statement.
- (c) Differentiate among reference, review and Revision.
- (d) Discuss Acquisition of Easement by Prescription under Limitation Act.

(3 × 10 = 30 Marks)