



Reg. No. :

Name :

Fifth Semester Integrated B.A. LL.B./B.B.A.LL.B./B.Com.LL.B. (5 Year)

Degree Examination, April 2016

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. Answers should **not** exceed **50** words **each**.

- a) Mesne profits.
- b) Preliminary decree.
- c) Counter claim.
- d) Stay of suit.
- e) Suits by indigent persons.
- f) Costs for causing delay.
- g) Continuous running of time.

(5×2=10 Marks)

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

- a) What are the different kinds of jurisdiction of a Civil Court ?
- b) Explain the law relating to 'joinder of parties'.
- c) Briefly discuss the power of Indian Courts to issue Garnishee Order.
- d) Write a note on 'attachment before judgment'.
- e) What is the effect of fraud or mistake on the period of limitation prescribed for a suit ?

(4×4=16 Marks)



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

- a) An A.S.I. Was dismissed from service by the D.I.G. of Police. He challenged the said decision by filing a writ petition in the High Court on the ground that he was not afforded a fair hearing. The writ petition was dismissed. He then filed a civil suit and raised an additional plea that he was appointed by the I.G. of Police and therefore, D.I.G. being lower in rank, was not competent to pass the Order of dismissal against him. In this civil suit, contention of State is that the suit is barred by *res judicata*. Decide.
- b) 'A' resides at Delhi and 'B' at Chennai. 'A' publishes in Calcutta statements defamatory of 'B'. 'B' institutes suit against 'A' in Chennai Court. Decide whether the suit is maintainable.
- c) 'A' deposits a box of jewels with 'B' as his agent. He then writes to 'C' for the purpose of making the jewels a security for a debt due from himself to 'C'. 'A' afterwards alleges that C's debt is satisfied and 'C' alleges the contrary. Both claim jewels from 'B'. Advise 'B'.
- d) 'P' filed a suit against 'D' for property 'X' and the Court, by mistake, passed a decree for property 'Y'. When the time to appeal had elapsed, the mistake was detected. Advise 'P'.
- e) 'A' is trustee under a trust for a specific purpose and holds immovable property under that trust. 'B' is the beneficiary of the trust. 'A' makes an adverse claim to the immovable property of the trust and claims it to be his own in 2001. Can 'B' sue in 2015 to recover the trust property from 'A'?

(4×6=24 Marks)

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

- a) Examine to what extent the rule of conclusiveness of foreign judgments is different in its operation from the rule of *res judicata*.
- b) What do you understand by 'Pleadings' ? What are the general rules of pleadings ? Explain the circumstances under which leave to amend pleadings may be refused.
- c) Explain the various modes by which a court may enforce execution of a decree.
- d) Explain the terms 'Reference', 'Review' and 'Revision'. Distinguish one another.

(3×10=30 Marks)