



Reg. No. :

Name :

Fifth Semester B.A. LL.B./ B.B.A. LL.B./B.Com. LL.B. (5 Years Integrated) Degree Examination, March 2017
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) Enforcement of foreign judgements
 - b) Substituted service of summons
 - c) Rejection of a plaint
 - d) Discovery by interrogatories
 - e) Suits by or against minors
 - f) Appeals to the Supreme Court
 - g) Sufficient Cause. **(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 is a Decree ? How is it different from an Order ?
 - b) What is meant by 'pleadings' ? What are the circumstances under which leave to amend pleadings may be refused ?
 - c) Write a note on 'arrest before judgement'.
 - d) Explain the principles relating to awarding of 'interest' in cases of money decrees.
 - e) Distinguish between Review and Revision. **(4×4=16 Marks)**



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

- a) 'P' sues 'Q' for a declaration of title to land and obtains a decree. 'P' then sues 'R' for possession. 'R' contends that 'Q' is the owner and that he is in possession as Q's tenant. Decide giving reasons.
- b) 'A' resides at Simla, 'B' at Calcutta, and 'C' at Delhi. 'A', 'B' and 'C' being together at Benaras, 'B' and 'C' make a joint promissory note payable on demand and deliver it to 'A'. Upon dishonour, 'A' sues 'B' and 'C' at Delhi. 'B', residing at Calcutta, objects. Decide.
- c) The plaintiff has two causes of action against the same person; first, a right to recover possession of immovable property and the second, a right to compensation for breach of a contract. Can he join these two causes in one and the same suit ?
- d) The defendant, without valid cause, failed to produce his evidence on the date fixed. The court however, granted him another opportunity to do so, but subject to payment of Rs. 500/- as costs. Floods prevented the defendant from appearing before the court on the next date of hearing and the court, on account of his absence, struck off his defence. Advise the defendant.
- e) The defendant became indebted to the plaintiff's father on 1st June, 2004. The plaintiff's father died on 10th September, 2005. On 30th October, 2005, the defendant acknowledged his liability to the plaintiff who was a minor then. On 21st February, 2014, the plaintiff attained majority and on 15th June, 2014, he sued to recover the debt from the defendant. The defendant contends that the suit is barred by limitation. Decide. **(4x6= 24 Marks)**

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

- a) What are issues in a suit ? How are they raised and decided ?
- b) Discuss the law relating to continuance of a suit when the plaintiff or defendant dies.
- c) Explain the powers of the executing Court and the various modes of execution of a Decree.
- d) Discuss the nature, object and rationale of the Law of Limitation.

(3x10=30 Marks)