

Reg. No. :

Name :

**Fifth Semester B.A., LL.B./B.Com., LL.B./B.B.A., LL.B.
(Five Year Integrated) Degree Examination, March 2020**

Paper III : CIVIL PROCEDURE CODE AND LIMITATION ACT

Time : 3 Hours

Max. Marks : 80

1. Explain **any five** of the following. **Each** question carries **2** Marks. Answers should not exceed **50** words each.

- (a) Pecuniary Jurisdiction
- (b) Decree
- (c) Foreign Judgment
- (d) Inter-pleader suit
- (e) Compensatory cost
- (f) Injunction
- (g) Written statement

(5 × 2 = 10 Marks)

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

- (a) Differentiate between return of plaint and rejection of plaint.
- (b) Appointment of receiver
- (c) Suits by or against minor
- (d) Misjoinder of parties
- (e) Continuous running of time

(4 × 4 = 16 Marks)

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

- (a) In default of payment of decretal amount of Rs.6000 (Six Thousand Rupees only) Arun, the judgment debtor was directed by the court to be detained in civil prison for six months or till the realisation of the decretal amount due whichever is early. Arun challenges the same. Decide on the correctness of the decision.
- (b) On application by Mr. Sunil, the decree holder, pension of Mr. Jayan, the judgment debtor is attached as part of execution of the decree. Mr. Jayan challenges the attachment. Decide.
- (c) Mr. Ajmal files a plaint in the Munsiff's court at Neyyatinkara. The Munsiff's court however returns the plaint saying that it does not have jurisdiction to adjudicate on the matter and with an endorsement to that effect. Mr. Ajmal files an appeal against the order of return of plaint. Decide.
- (d) A files a suit against B claiming Rs. 5000. B takes a defence that A owes him Rs.3000/-as well. A says that B in order to make such a claim, should file a separate suit and that he cannot make the claim in a suit filed by him. Decide.
- (e) Anil the defendant in a civil suit is aggrieved by an ex parte decree passed against him by the Munsiff's Court, Nedumangadu. Though he was informed of the date of appearance by his counsel, since he was admitted in hospital after undergoing a surgery, he could not attend the court. His Counsel also could not convey the same to the Court. He approaches you for advice. Advise him.

(4 × 6 = 24 Marks)

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

- (a) "The principle on which the law of limitation is based is *"vigilantibus non dormientibus leges subveniunt"* i.e. the, law aids the diligent and not the indolent. This is because with passage of time all evidence of the facts may be lost". Elaborate on the importance of limitation in suits of civil nature.
- (b) What is a plaint? What are the particulars to be contained in a plaint?
- (c) "The power to grant a temporary injunction is at the discretion of the court. This discretion, however should be exercised reasonably, judiciously and on sound legal principles". Discuss in detail.
- (d) What are the different modes of execution of a decree?

(3 × 10 = 30 Marks)