



Reg. No. :

Name :

**Fifth Semester Integrated (5 Yr.) B.A., LL.B. Degree
Examination, February 2015
Paper – III : CIVIL PROCEDURE CODE AND LIMITATION ACT**

Time : 3 Hours

Max. Marks : 80

I. Explain **any five** of the following. **Each** question carries **two** marks. Answers should **not** exceed **50** words **each**.

- a) Mesne profits
- b) Representative suit
- c) Proper party
- d) Discovery by interrogatories
- e) Reference to High Court
- f) Suit against Government
- g) Essentials of valid acknowledgement. **(5×2=10 Marks)**

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

- a) When can an *ex-parte* decree be passed and when it can be set-aside ?
- b) Distinguish between legal and equitable set-off.
- c) Write a note on 'constructive *res judicata*'.
- d) Explain the considerations, a judge will keep in mind while granting a temporary injunction under Order 39, Rules 1 and 2 of the C.P.C.
- e) What is the effect of fraud or mistake on period of limitation prescribed for a suit ? **(4×4=16 Marks)**



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

- a) 'A' resides at Delhi and 'B' at Chennai. 'A' publishes in Calcutta statements defamatory of 'B'. 'B' files suit against 'A' in Chennai Court. Decide whether the suit is maintainable.
- b) A Munsiff's Court allows amendment of a plaint just before pronouncement of judgment. Examine whether it is lawful for the Court to do so. Refer to decided cases.
- c) 'X' owes an amount of Rs. 50,000/- to Mr. 'Y'. Mr. 'Y' dies leaving two children 'P' and 'Q'. As Mr. 'X' wanted to make payment of the amount, both 'P' and 'Q' make claim to the amount. Advise Mr. X.
- d) 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 single suit ?
- e) On 1st March, 2008, 'A' executed a promissory note in favour of 'B'. On 1st February, 2010, 'B' became insane. On 18th April, 2012, 'B' regained sanity and on 4th July, 2012, 'B' filed a suit against 'A' for recovery of the amount due under the said promissory note. 'A' contended that the suit is barred by the Law of Limitation. Decide. **(4×6=24 Marks)**

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

- a) What are issues in a suit ? How issues are framed ? What are the powers of the court to amend or strike out issues ?
- b) Discuss the law relating to continuance of a suit when the plaintiff or defendant dies.
- c) Explain the various modes of execution of a decree.
- d) "Limitation extinguishes remedy but not the right" – Explain. **(3×10=30 Marks)**