

Reg. No. :

Name :

**Fifth Semester B.A. LL.B./B.Com. LL.B./B.B.A. LL.B. (Five Year Integrated)
Degree Examination, June 2024**

Paper III : CIVIL PROCEDURE CODE AND LIMITATION ACT

(2011-2019 Admission)

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) Ex-parte decree
- (b) Res judicata
- (c) Pauper suit
- (d) Misjoinder of parties
- (e) Caveat
- (f) Judgment debtor
- (g) Affidavit

(5 × 2 = 10 Marks)

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

- (a) Cost and Compensatory Cost
- (b) Appeal and Review
- (c) Acquisition of easement by prescription
- (d) Decree and Order
- (e) Receiver

(4 × 4 = 16 Marks)

P.T.O.

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

- (a) Anil, residing in Mumbai, beats Balakrishnan in Kolkatta, Balakrishnan wants to sue Anil at Kolkatta. Anil claims that he can only be sued in Mumbai since he is originally resident there. Decide.
- (b) An appeal is admitted after the prescribed period of limitation when the appellatant satisfies the court that he had sufficient cause for not preferring the appeal within such period because he was misled by an order, of the High Court in ascertaining or computing the prescribed period. Decide whether the admission is proper and legal.
- (c) A suit is decreed against the state government by the District court and an execution order is issued within 15 days from the date of decree. The same is challenged as violative of statutory provisions. Decide.
- (d) Two persons claim adversely to one another the same debts, from another person, who claims no interest therein other than for charges or costs and who is ready to pay or deliver it to the rightful claimant. The such other person institutes a suit of interpleader against all the claimants for the purpose of obtaining a decision as to the person to whom the payment or delivery shall be made and of obtaining indemnity for himself. However, one of them states in the court that another suit is pending in which the rights of all parties can properly be decided and that no such suit of interpleader can be instituted. Decide.
- (e) A owes B Rs. 100 and is willing to pay him that sum without suit. B claims Rs. 150 and sues A for that amount. On the plaint being filed, A pays Rs. 100 into Court and disputes only his liability to pay the remaining Rs. 50. B accepts the Rs. 100 in full satisfaction of his claim. Should the court order B to pay A's costs?

(4 × 6 = 24 Marks)

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

- (a) Elaborate on the application of limitation in civil proceedings. How is period of limitation calculated?
- (b) What is a suit of civil nature? Elaborate on the meaning and scope of suits of civil nature.
- (c) What is an injunction? What are the grounds and procedure for issuing an order for temporary injunction?
- (d) Elaborate on the various modes of execution of decree as provided under the Code of Civil Procedure, 1908.

(3 × 10 = 30 Marks)

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