

Reg. No. : .....

Name : .....

**Fifth Semester B.A.LL.B./B.Com. LL.B./B.B.A. LL.B. Five Year Integrated  
Degree Examination, March 2021.**

**Paper III : CIVIL PROCEDURE CODE AND LIMITATION ACT**

**Special Examination**

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) Plaintiff
- (b) Discovery
- (c) Affidavit
- (d) Mesne profits
- (e) Non-joinder of parties
- (f) Judgment debtor
- (g) Caveat

**(5 × 2 = 10 Marks)**

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

- (a) Distinguish between res judicata and res sub judice.
- (b) Attachment before judgment
- (c) Extension of limitation period
- (d) Set off and counter claim
- (e) Suits by pauper

**(4 × 4 = 16 Marks)**

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

- (a) As part of execution of a decree against Kumar by Arun, half of Kumar's gratuity paid to him by his employer while he retired from service was attached. Kumar challenges this attachment. Decide.
- (b) An ex parte decree is passed in a suit against Vimal. He cries foul and claims in the court that his counsel had not informed him of the dates of appearance in the court. He claims that it was his counsel's mistake and that this delay should be condoned. Decide.
- (c) A civil court rejects the plaint filed by Mr. Anvar for failure to disclose cause of action. Mr. Anvar files an appeal against it in the superior court. The defendant challenges the maintainability of the appeal. Decide
- (d) 'A' files a suit against 'B' for recovery of possession of a house situated at Kochi on the basis of a sale deed executed by 'B'. The suit is heard and dismissed by a court of competent jurisdiction. 'A' after two years again files a suit against 'B' for the same house, on the same ground, which he had asserted in the previous suit in the same Court. Can the Court try the subsequent suit filed by 'A' against 'B'?
- (e) Anand filed a suit against Binu, the priest of a temple for declaration that the religious rites performed by Binu during the puja of the deity were not proper. Binu contends that he has been performing the puja as per the Hindu religious rites. He also claims that the suit is not maintainable. Decide.

**(4 × 6 = 24 Marks)**

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

- (a) What is a written statement? Elaborate on the contents of a written statement.
- (b) Elaborate on the different modes of execution of a decree as provided in the Code of Civil Procedure, 1908.
- (c) "Rules of limitation are not meant to destroy the rights of the parties. They are meant to ensure that parties do not resort to dilatory tactics but seek their remedy promptly". Discuss.
- (d) Who is a Receiver? When is a Receiver appointed? What are his powers, functions and responsibilities?

**(3 × 10 = 30 Marks)**

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