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Reg. No. : .....

Name : .....

Fifth Semester B.A. LL.B/B.Com LL.B/BBA LL.B (Five Year Integrated) Degree Examination, July 2019

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) Legal Representative.

   (b) Suit of a civil nature.

   (c) Presumption as to foreign judgments.

   (d) Representative suit.

   (e) Precept.

   (f) Revision by High Court.

   (g) Essentials of valid acknowledgement. **(5 × 2 = 10 Marks)**

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

   (a) Briefly explain the general principles relating to pleadings.

   (b) Write a note on 'constructive *resjudicata.*'

   (c) What are the grounds for rejection of a plaint?

   (d) Distinguish between Legal and Equitable set-off.

   (e) Examine the power of the Appellate Court to 'remand' a case. **(4 × 4 = 16 Marks)**

P.T.O.

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

(a) 'A' filed a suit against 'B' to recover money due on a promissory note. 'B' contended that the promissory note was obtained from him by undue influence. The objection was overruled and the suit was decreed. 'B' now wants to file a suit under section 31 of the Specific Relief Act seeking cancellation of the promissory note on the ground of fraud. Advice 'B'.

(b) 'P' instituted a suit before the Munsiff's court against D' to recover possession of a piece of land. The court had pecuniary jurisdiction to try suits of a value up to one lakh rupees only. In order to bring the suit within the jurisdiction of the Munsiff's court, P' valued his claim in the plaint at Rs. 95,000. Even though the market value of the property was two lakh rupees, 'D' did not object to the jurisdiction of the court. The decree was passed in favour of 'P'. In the appellate court, 'D' wants to raise the objection about the pecuniary jurisdiction of the lower court. Decide.

(c) The trail 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.

(d) There is a boundary dispute between 'A' and 'B'. 'A' apprehends that 'B' would initiate a civil action and obtain an *ex parte* interim order against him. Advise 'A' as to the precautionary measures to be taken.

(e) On 1st March, 2010, 'A' executed a promissory note in favour of 'B'. On 1st February, 2012, 'B' became insane. On 18th April, 2014, 'B' regained sanity and on 1st July, 2014, 'B' filed a suit against 'A' for recovery of the amount due under the said promissory note. 'A' contends that the suit is barred by the Law of Limitation. Decide. **(4 × 6 = 24 Marks)**

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

(a) What is 'jurisdiction'? What are the different kinds of Jurisdiction? Distinguish between 'lack of jurisdiction' and 'irregular exercise of jurisdiction'.

(b) Discuss the law relating to withdrawal and compromise of a suit.

(c) Explain the provisions of the Code of Civil Procedure relating to arrest and attachment before judgment.

(d) Explain the various modes by which a court may enforce execution of a decree. **(3 × 10 = 30 Marks)**