

Total number of printed pages—4

19 (IV) CPSC 4-2

2019

**CIVIL PROCEDURE CODE AND
LIMITATION ACT**

Paper : 4-2

Full Marks : 80

Time : Three hours

**The figures in the margin indicate
full marks for the questions.**

1. Fill in the blanks with appropriate answer given in the brackets : 1×10=10
 - (a) The first uniform code of Civil Procedure was enacted in the year _____ .
(1859/1908)
 - (b) The Code of Civil Procedure is an _____ . (adjective/substantive law)
 - (c) _____ means the formal expression of any decision of a Civil Court which is not a decree. (Order/Judgement)

Contd.

- (d) The Code of Civil Procedure 1908 was amended last in _____. (2001/2002)
- (e) _____ means any person against whom a decree has been passed on an order capable of execution has been made. (Decree holder/Judgement debtor)
- (f) _____ of the Limitation Act provides for extension of time in certain cases. (Section 5/Section 3)
- (g) The Law of Limitation Act, 1963 applies to _____ only. (Courts/Tribunals)
- (h) An application for setting aside ex-parte decree can be made within _____ days from the date of decree. (thirty days/sixty days)
- (i) Every suit by a minor is to be instituted in his name by a person who in such suit is to be called the _____ (next friend/guardian *ad litem*) of the minor.
- (j) A second appeal lies to the High Court on the ground of a _____. (substantial question of law/question of fact)

2. Explain the following questions :

2×5=10

- (a) "Decree".
- (b) Mesne Profits.
- (c) Next friend of a minor.
- (d) What is first hearing?
- (e) Interlocutory order.

3. Discuss the essentials of a Civil suit.

12

OR

What are Pleadings? When can pleadings be amended? On what grounds court may reject an amendment? 4+4+4=12

4. What is an "Issue"? How are the issues framed? What are the effects of nonframing of issues in suit? 2+6+4=12

OR

What is "attachment before Judgement"? Discuss the provisions relating to Powers of Court for such attachment. 4+8=12

5. What is an appeal? What are the essentials of an appeal? Distinguish between appeal and revision. 2+3+7=12

OR

"An executing court cannot go behind the decree". Elucidate the statement pointing out the exception, if any. 12

6. Discuss the provisions relating to suits by or against Government. 12

OR

What is injunction? Against whom injunction may be issued? When can a Civil Court grant temporary injunction?

2+2+8=12

7. Explain the object and reasons for the law of limitation. 12

OR

Explain the terms : 3×4=12

- (a) Condonation of Delay
- (b) Sufficient Cause
- (c) Legal disability.