19 (3-IV) CPCL

2015

CIVIL PROCEDURE CODE & 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 given in the brackets:	appropriate answer
	given in the brackets:	1×10=10

- (a) The Code of Civil Procedure, 1908 was amended last in ———. (2001/2002)
- means formal expression of any decision of a Civil Court which is not a decree. (Judgement /Order)
- Equitable set off is for sum of money. (Ascertained / Unascertained)

Contd.

- of minority of the defendant has to appoint ————— (guardian ad litem / Legal guardian).
- (e) In interpleader suit, the real dispute is between ————. (the plaintiffs / the defendants).
- (f) The person causing breach or disobedience of the terms injunction may be detained in the civil prison for a term extending upto —————. (six months / three months).
- (g) The right to appeal is _____ (a natural right / creation of statute)
- (h) The Respondent may file cross-objection in the form of _____.

 (Memorandum of appeal so far as applicable / an application)
- (i) The law of limitation is _____ in operation. (Prospective) retrospective)
- rule that "Law of Limitation bars the remedy only but does not extinguish the right. (Right to property / Breach of contract)

- 2. Answer the following questions: $2 \times 5 = 10$
 - (a) Explain the term 'Facta probanda'.
 - (b) What do you mean by the term 'interim orders'?
 - (c) What are the different kinds of appeals under the Code of Civil Procedure, 1908?
 - (d) Against whom mesne profits can be claimed?
 - (e) Explain the term 'Sufficient Cause'.
- 3. Explain the term 'decree', essentials of a decree and different kinds of decrees.

2+4+6=12

Or

Discuss the essentials of a Civil Suit. 12

4. Define the term 'issue'. What are the materials on the basis of which issues are framed? What are the objects for framing issues?

2+5+5=12

Or

What do you mean by summons? What are the different kinds or purposes of summons? Discuss different modes of service of summons.

2+2+8=12

5.	Wri	te explanatory notes on : (any two)	5=12/\(\)
•	(a)	Suits by indigent persons,	
	(b)	Notice u/s 80 CPC	
•	(c)	Interpleader suit.	
		Or) 1
	Dis	tinguish between:	s=12
	(a)	Second Appeal and Revision	;
	(b)		٠
	(c)		w.
		$\stackrel{\smile}{\wedge}$	
6.	What is 'Review'? On what grounds a review		
		llowed? Discuss the procedural aspective. 2+4+6	
	<i>y</i> .'		•
		executing Court can not go behind	
		ree". Elucidate the statement pointing exceptions, if any.	12
		R	
7.		e statute of limitation is the statu	te of
	-	ose, peace and justice" ————————————————————————————————————	12
	N	O#	
·· • • •	CONTE	nen once time has begun to run	20
	W.I	ich once time has began to fun	, 110
0	sub	sequent disability or inability to sue s	lops
	sub it"-	sequent disability or inability to sue s Explain the statement. State	tops the
	sub it"-	sequent disability or inability to sue s	lops