

Total number of printed pages-4

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 appropriate answer given in the brackets: $1 \times 10 = 10$
 - (a) The Code of Civil Procedure, 1908 was amended last in _____. (2001 / 2002)
 - (b) _____ means formal expression of any decision of a Civil Court which is not a decree. (Judgement / Order)
 - (c) Equitable set-off is for _____ sum of money. (Ascertained / Unascertained)

Contd.

- (d) The Court on being satisfied of the fact 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)
- (j) _____ is exception to the general 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 : 2×5=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

