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19 (3-IV) CPCL 4-2

2016

**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: $1 \times 10 = 10$

(a) Permission to sue as an indigent person
once granted _____.

(can not be withdrawn / can be
withdrawn under certain circumstances)

- (b) An appeal can be filed by _____.
(any one of the parties / any person aggrieved)
- (c) In Nagaland, the Code of Civil Procedure, 1908 is _____.
(fully applied in letter / applied in spirit)
- (d) In computing the period of limitation for instituting a suit against the Government or a Public Officer, the period of notice has to be _____.
(included / excluded)
- (e) _____ must be sworn or affirmed before an authorised officer.
(Affidavit / Verification)
- (f) If a review application is rejected, the aggrieved party _____.
(may file an appeal / can not file an appeal)

- (g) Particulars are to be furnished in pleadings _____. (in each case/ depending on the circumstances of each case)
- (h) Limitation Act, 1963 does not apply to _____. (appeals / writ petitions)
- (i) Plea of Laches may be raised against _____. (the defendant only / either plaintiff or defendant)
- (j) An agreement or compromise in a representative suit can be entered when there is _____.
(leave of the Court/consent of the Advocate General)

2. Answer the following questions : 2×5=10

- (a) Explain the term "Garnishee Order".

- (b) What are the circumstances under which there may be appeal against consent decree ?
- (c) Distinguish between stay and injunction.
- (d) What is 'first hearing' ?
- (e) What is "acknowledgement" for the purpose of the Limitation Act, 1963.
3. (a) Discuss the particulars to be furnished in a plaint.
- (b) Mr. X presents a plaint with insufficient Court-fee. How should the Court proceed in this case ? 6+6=12

Or

- (a) Narrate the principles regarding "denial" by a defendant in his written statement as set forth in the Code of Civil Procedure.

- (b) In a suit the defendant seeks more than 90 days' time for submission of Written Statement. How should the Court proceed ? Cite case-law. 6+6=12
4. Enumerate different kinds of interim orders under the Code of Civil Procedure. What is the procedure for granting ex-parte adinterim injunction ? 4+8=12

Or

Discuss the principles for appointment of a receiver. Discuss the powers, duties and liabilities of a receiver. 6+6=12

5. Explain the following terms : 3×4=12
- (a) Cross-objection
- (b) Substantial question of law
- (c) Interference with concurrent findings.

Or

Distinguish between :

3×4=12

- (a) Review and Appeal
- (b) Necessary Party and Proper Party
- (c) Legal Set-off and Equitable Set-off.

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

Or

Discuss the provisions relating to suits by or against minors and lunatics. 12

7. "Limitation bars the remedy but does not extinguish the right." — Explain. 12

Or

Explain the terms :

- (a) Sufficient cause

(b) Continuous running of time

(c) Legal disability.