

2017

**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) Set-off for unascertained sum of money is _____. (not permissible/ permissible as equitable set-off)
 - (b) The Code of Civil Procedure, 1908 is _____. (special procedural law/ general procedural law)
 - (c) The Court on being satisfied of the fact of minority of the defendant has to appoint _____ (guardian *ad litem*/ legal guardian)

Contd.

- (d) In interpleader suit, the real dispute is between _____ (the plaintiffs/ the defendants)
- (e) In an appeal, the respondent may file cross-objection in the form of _____. (Memorandum of appeal as far as applicable/an application)
- (f) The law of limitation is _____ in operation. (prospective/retrospective)
- (g) _____ is an 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)
- (h) _____ means any person against whom a decree has been passed or an order capable of execution has been made. (Decree holder/Judgment-debtor)
- (i) _____ relates to crimes and punishes offenders. (Civil jurisdiction/Criminal jurisdiction)
- (j) _____ means a case already decided. (*Res subjudice/Res judicata*)

2. Explain the following terms : $2 \times 5 = 10$

- (a) Particulars
- (b) Mesne Profits

- (c) Next friend of a minor
- (d) Summons
- (e) Matter in issue.

3. Discuss the provisions of the Code of Civil Procedure dealing with jurisdiction of Courts. 12

Or

Discuss the essentials of a civil suit. 12

4. Define the term "issue". How are the issues framed ? What are the consequences of failure to frame issues ? Cite case-law.

$2+6+4=12$

Or

What is an appeal ? What are the different kinds of appeal under the Code of Civil Procedure ? Explain the powers and duties of the appellate court.

$2+2+8=12$

5. What is review ? On what grounds is a review allowed ? Discuss the procedural aspects of review.

$2+4+6=12$

Or

Distinguish between :

4×3=12

- (a) Appeal and Second Appeal
- (b) Review and Revision
- (c) Set-off and Counter-claim.

6. Write explanatory notes on : **(any two)**

6×2=12

- (a) Service of summons
- (b) Suits by or against corporation
- (c) Summary suits.

Or

Write an essay on the causes of delay in Civil litigation. Refer the amendments of the Civil Procedure Code in 1999 and 2002. Refer case-law. 12

7. Explain the meaning, nature and object of the law of limitation. 12

Or

“When once time has begun to run, no subsequent disability or inability to sue stops it.” — Explain. State the exceptions, if any. 12