

Total number of printed pages-4

19 (Sem-8) CPCL 8-3

2016

**CODE OF CIVIL PROCEDURE  
& LIMITATION ACT**

Paper : 8-3

Full Marks : 80

Time : Three hours

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

1. Choose the correct answer :  $1 \times 10 = 10$ 
  - (a) Civil Procedure Code is intended to \_\_\_\_\_ the procedure to be followed by Civil Courts. (regulate/supplement)
  - (b) The doctrine of *res judicata* \_\_\_\_\_ from *res-subjudice*. (differs/does not differ)
  - (c) The question of joinder of Parties may arise as regards \_\_\_\_\_. (plaintiffs/defendants/both plaintiffs and defendants)

Contd.

- (d) The four essentials of suit are opposing parties, subject matter in dispute, cause of action and \_\_\_\_\_. (Prayer/Relief)
- (e) A pleading should state \_\_\_\_\_. (facts not law/both facts and law)
- (f) If a plaint filed by the plaintiff does not disclose any cause of action, the Court \_\_\_\_\_. (can reject the plaint/cannot reject the plaint)
- (g) \_\_\_\_\_ is a judicial process whereby a party is required to do or to refrain from doing any particular act. (An interim order/An injunction)
- (h) A \_\_\_\_\_ lies to the High Court on the ground of substantial question of law. (First Appeal/Second Appeal)
- (i) Execution signifies the enforcement or giving effect to a \_\_\_\_\_ of a Court of justice. (decree/judgement)
- (j) Pleading consists of \_\_\_\_\_. (either plaint or written statement/both plaint and Written Statement)

2. Write brief notes on : 2x5=10

- (a) Cause of action
- (b) Affidavit

- (c) Ex-Parte decree
  - (d) Caveat.
  - (e) Meaning of Law of Limitation.
3. (a) What do you mean by institution of suit?
- (b) Explain the essentials of suits.
- (c) Explain the distinction between Necessary Parties and Proper Parties. 3+6+3=12

**OR**

What is Temporary Injunction? Who may apply for Temporary Injunction and against whom it may be issued? Explain the principles and grounds to grant a Temporary Injunction by a Civil Court. 2+2+8=12

4. Discuss the provisions relating to suits by and against Government and Public Officers. 12

**OR**

Write notes on :

- (a) Interpleader suit
- (b) Suits by and against Indigent Persons.

- 16
5. What do you mean by Second Appeal? Discuss the provisions for Second Appeal under the Code of Civil Procedure.

2+10=12

**OR**

(a) "Executing Courts can not go beyond the decree". — Discuss. 8+4=12

(b) Distinguish between : Appeal and Review.

6. Write about the law of Limitation, its nature and object, as per Limitation Act, 1963.

12

**OR**

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

7. What are the different kinds of decrees? Explain different kinds of decrees.

Discuss between judgement and decree.

2+8+2=12

**OR**

What *res judicata*? What are the conditions for application of the principle of *res judicata*? Explain. 2+10=12