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19 (IV) CPCL

2021

**CIVIL PROCEDURE CODE AND  
LIMITATION ACT**

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate options :  
1×10=10
  - (i) In computing the period of limitation for Appeal, the time requisite for obtaining a copy of decree shall be \_\_\_\_\_ .  
(included/excluded)
  - (ii) Period of limitation for filing an application for a Review of judgment is \_\_\_\_\_ days from the date of the judgment. (30/60)
  - (iii) Period of limitation for instituting a suit for compensation for libel is \_\_\_\_\_ year(s) from the date when the libel is published. (one/three)

Contd.

(iv) For instituting a suit against a Carrier for compensation for non-delivery of, or delay in delivering, goods, the period of limitation is \_\_\_\_\_ year(s) from the date when the goods were ought to be delivered. *(one/ three)*

(v) Period of limitation for instituting a suit to enforce payment of money secured by mortgage upon immovable property is \_\_\_\_\_ years from the date when the money sued for becomes due. *(three/ twelve)*

(vi) When the suit is called on for hearing and neither party appears, the court \_\_\_\_\_ dismiss the suit. *(may/ cannot)*

(vii) \_\_\_\_\_ has the right to begin the suit and examine the witnesses. *(Plaintiff/ Defendant)*

(viii) Decree is to be drawn up in accordance with the \_\_\_\_\_. *(judgment/ plaint/ written statement)*

(ix) Appeal from Appellate Decree (2<sup>nd</sup> appeal) lie to the High Court, if High Court is satisfied that the case involved \_\_\_\_\_ . *(substantial question of law/ question of facts)*

(x) An application for review lies to the \_\_\_\_\_ court. (same/superior)

2. Write short notes on **any five** of the following :  $2 \times 5 = 10$

(i) Mesne Profit

(ii) Counterclaim

(iii) Summary procedure

(iv) Ex-parte Decree

(v) 'Next Friend' of a minor

(vi) Caveat

(vii) Acknowledgement for the purpose of Limitation Act

(viii) Sufficient cause under Limitation Act

(ix) Condonation of delay

(x) Misjoinder and Non-Joinder of parties in a suit.

3. Explain the term 'Suit'. How is suit instituted under CPC ? Who may be joined as Plaintiffs and Defendants in a suit ?  $2+6+4=12$

**OR**

Explain the term “Pleading” and discuss the general rules for Constitution of Pleading. When court may strike out or amend the pleadings? Explain the consequences if a party fails to amend the pleading after obtaining order from the court to amend the pleading. 4+4+4=12

4. Explain the term **Plaint**. What particulars are necessary to be contained in a **plaint**? Explain the procedure and circumstances for rejection of a **plaint**. 2+6+4=12

**OR**

Explain the term **Written Statement**. What is the period within which **Written Statement** is to be filed? Explain the principles of denial of the statements of **plaint** while submitting the **Written Statement**. 2+4+6=12

5. What is **summons**? What are the procedures of service of **summons**? Explain consequences, if defendant refuses to accept **summons**. 2+6+4=12

**OR**

In what circumstances, court may grant a temporary injunction and when court may vacate or modify the injunction order ?

6+6=12

6. Explain the procedure of filing suit by or against the Government. In what situation, a suit against government may be instituted without issuing the notice u/s 80 CPC ?

8+4=12

**OR**

Who is an Indigent Person under CPC ? Explain the provisions for filing the suit as an Indigent Person including the filing of an appeal by him.

4+8=12

7. What is attachment before judgment ? Discuss the provisions relating to powers of court for such attachment.

6+6=12

**OR**

Explain the provisions of Appeal from Original Decree, Appeal from Appellate Decree and Appeal from Orders under CPC.

4+4+4=12