

Total number of printed pages-4

21 (8) CPCL 8-3

2021

**CIVIL PROCEDURE CODE AND
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 option : $1 \times 10 = 10$
- (a) The Code of Civil Procedure, 1908 came into force with effect from _____ 1909. (*1st January/26th February*)
- (b) The Court on being satisfied of the fact of minority of defendant has to appoint _____ .
(*legal guardian/guardian ad litem*)
- (c) _____ means the formal expression of any decision of Civil Court which is not a decree. (*Order/Judgement*)

Contd.

- (d) _____ means a case already decided.
(*Res sub-judice/ Res judicata*)
- (e) _____ deals with temporary injunction.
(*Order 39/ Order 40*)
- (f) Limitation Act, 1963 does not apply to _____ .
(*Appeals/ Writ petition*)
- (g) Equitable set-off is for _____ sum of money.
(*ascertained/ unascertained*)
- (h) The expression _____ means the judicial examination of the decision by a higher court of decision of inferior court.
(*Review/ Appeal*)
- (i) _____ is exception to the rule that law of limitation bars the remedy only but does not extinguish the right.
(*Right to Property/ Breach of Contract*)
- (j) The grounds for _____ relate to jurisdictional errors of subordinate courts.
(*revision/ reference*)

2. Write short notes on : 2×5=10

- (a) Garnishee Order
- (b) Acknowledgement for the purpose of Limitation Act
- (c) Legal set-off and Equitable set-off
- (d) *Facta probanda*
- (e) Caveat.

3. Discuss the provision of the civil procedure court dealing with jurisdiction of civil court. What is the procedure, when the court has no jurisdiction to try a suit filed before it? 12

OR

What is plaint? What are the essentials of a plaint? Mr. X presents a plaint with insufficient court fee. How should the court proceed this case? 12

4. Explain the term "decree". What are the essentials of the decree? "An executing court cannot go behind the decree" — Explain the statement pointing out the exceptions, if any. 12

OR

When should the defendant enter appearance in a suit? What are the consequences the defendant is to face for his non-appearance after summon was duly served and what are his remedies? 12

5. Discuss the principles for appointment of a receiver. Discuss the powers, duties and liabilities of a receiver. 12

OR

Explain the powers and procedures of Civil Court in granting temporary injunction. Can the court grant *ad interim* injunction against the government or public officer without serving notice ? 12

6. What matters can be referred to High Court and when ? Discuss the powers of High Court in reference. When can a District Court interfere with a suit in its subordinate court for making a reference to High Court ? 12

OR

Discuss the differences between Appellate and Revisional jurisdiction of the High Court. Give illustrations. 12

7. "Limitation bars the remedy but does not extinguish the right." Explain how far it is applicable to the suit of possession. 12

OR

"Where once time has begun to run, no subsequent disability or inability can stop to institute a suit or make an application." Explain and state the exceptions, if any. 12