

Exam.Code:0662

Sub. Code: 4974

2021

LL.B., Fifth Semester

Paper – IV: Civil Procedure Code

Time allowed: 3 Hours

Max. Marks: 80

NOTE: Attempt five questions in all, including Question No. I (Unit-I) which is compulsory and selecting one question each from Unit II-V.

x-x-x

UNIT – I

I. Write short notes on the following:-

- a) Constructive Res Judicata.
- b) Inherent powers of Court.
- c) Garnishee order.
- d) Conditions for applicability of Section 14, Indian limitation Act. (4x5)

UNIT – I

II. Define "Decree". What is the difference between a Decree and a Judgment? Explain with reasons, which out of the following orders amount to Decree and which not:

- a) An order rejecting a plaint for non disclosure of cause of action
- b) Order holding appeal not maintainable
- c) Dismissal of appeal for default
- d) Return of plaint for presentation to proper court
- e) An order returning a Memorandum of appeal for amendment. (15)

III. a) Satnam Singh enters into contract with Mohan and Sujeet to supply 1000 bags of cement to them. Mohan and Sujeet make payment in advance but Satnam Singh refuses to perform his part of the contract and fails to supply 1000 bags of-cement, Explain with the help of relevant statutory provision, whether Mohan and Sujeet can join together in a suit against Satnam singh.

b) What is the effect of Non joinder and Mis joinder of parties to the suit? Explain giving suitable examples. (15)

UNIT – III

IV. Discuss the procedure to be followed in a suit against Government or a Public Officer. Can the requirement of notice be waived by the Government? What is the effect of Amendment Act of 1976 to a suit against Government? (15)

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(2)

- V. Explain the grounds for filing First Appeal and Second Appeal with special reference to the contents of Memorandum of Appeal. What is the difference between Appeal and Revision? (15)

UNIT – IV

- VI. What questions may be determined by an executing Court? Elaborate the statement that "an executing court cannot go beyond the decree." (15)
- VII. Discuss the provisions relating to arrest and detention of judgment debtor in execution of a decree. On what grounds a judgment debtor may be released from civil prison before expiry of period of detention. (15)

UNIT – V

- VIII. a) A incurs a debt to a firm of which B, C and D are partners. B is insane and C is minor. D can give discharge of debt without concurrence of B and C. When will time run against B, C and D?
- b) A right to sue accrues to Sohan during his minority. After the accrual, but while Sohan is still a minor, he becomes insane. When will the time begin to run as against Sohan? (15)
- IX. a) Discuss the provisions of Indian Limitation Act, 1963 regarding acquisition of easement by prescription.
- b) A enjoys a right of way over B's land from January 1998 to January 2018 fulfilling all the conditions for acquisition of easement by prescription. Due to intervention of B, A stopped using his right of way from January 2018 to February 2019. Can A file a declaratory suit claiming right of way over B's land? (15)