

CIVIL PROCEDURE CODE AND LIMITATION ACT

JUNE/JULY 2014

UNIT – I

1. (a) Explain suit of civil nature with illustrations. **(Refer Page No.)**

OR

Discuss the provisions of the civil procedure code relating to “Res-subjudice”. **(Refer Page No.)**

(b) Kinds of jurisdictions. **(Refer Page No.)**

OR

Transfer of case. **(Refer Page No.)**

UNIT – II

2. (a) Explain the fundamental rules of pleadings. When the amendment of pleading is permissible? **(Refer Page No.)**

OR

Who may be joined as plaintiff’s and defendants? What is the effect of misjoinder and non-joinder of parties? **(Refer Page No.)**

(b) Written statement. **(Refer Page No.)**

OR

Set off. **(Refer Page No.)**

UNIT – III

3. (a) Explain consequences of appearance and non appearance of parties in a suit. **(Refer Page No.)**

OR

Who can apply for setting aside the sale in execution of a decree? When can sale be set aside? **(Refer Page No.)**

(b) Kinds of issues. **(Refer Page No.)**

OR

Adjournment of case. **(Refer Page No.)**

UNIT – IV

4. (a) “What are the powers and duties of the receiver”? Explain. **(Refer Page No.)**

OR

Discuss the principles governing the grant of temporary injunction. **(Refer Page No.)**

(b) Appeals. **(Refer Page No.)**

OR

Arrest before judgement. **(Refer Page No.)**

UNIT – V

5. (a) Discuss the provisions of limitation Act governing the condonation of delay. **(Refer Page No.)**

OR

State the general rules for calculation of period of limitation for filing suit. **(Refer Page No.)**

(b) Objects of law of limitation. **(Refer Page No.)**

OR

Effects of fraud on the period of limitation. **(Refer Page No.)**

December 2014

CPC & LIMITATION ACT

- 1. Answer Q. No. 9 and any five of the remaining questions.**
- 2. Q. No. 9 carries 20 marks and the remaining questions carry 16 marks each.**
- 3. Answers should be written either in English or Kannada completely.**

1. "Every suit shall be instituted in the court of lowest grade competent to try it". Comment. **(Refer Page No.)**
2. Explain the general and other rules of pleading. **(Refer Page No.)**
3. Explain the consequences of appearance and non-appearance of parties in a suit. **(Refer Page No.)**
4. What is injunction? State the grounds and procedure for issuing an order of temporary injunction. **(Refer Page No.)**
5. State the purpose for which receiver can be appointed. What are the powers and function of receiver and when they can be removed? **(Refer Page No.)**
6. What are appeals? State the classes of appeal provided under C.P.C. **(Refer Page No.)**
7. What is legal disability? Discuss the provisions in the Limitation Act affording protection under such disability. **(Refer Page No.)**
8. Write short notes on any two of the following:
 - a) Dilatory pleas. **(Refer Page No.)**
 - b) Commission. **(Refer Page No.)**
 - c) Caveat petition. **(Refer Page No.)**
9. Solve any two of the following problems:
 - a) Shankar was the trustee of a trust. After Shankar's death, Anil wrongfully takes the possession of the trust property. Rohan the son

of Shankar files a suit for recovery of possession of the property against Anil as a legal heir and in his individual capacity. But Rohan against Anil as a legal heir and in his individual capacity. But Rohan did not succeed. Then Rohan files another suit for recovery of trust property against Anil in the capacity of a trustee, as he is appointed as trustee after the death of Shankar. Can Rohan succeed in this case? **(Refer Civil Procedure Code & Limitation Act, Volume – II Separate Book)**

- b) A textile manufacturing company having its Head Office at Bangalore, had branch offices at Hubli, Mysore and Mangalore. A dispute cropped up between Mr. Babu and Prakash Transport Company in respect of transaction through Hubli office. Mr. Babu files a suit in respect of the dispute against the company in the court of Mangalore. Is the court of Mangalore is competent to decide the case? Give reason. **(Refer Civil Procedure Code & Limitation Act, Volume – II Separate Book)**
- c) Charan wants to file a case against Rahul. As the court was closed due to the holiday and that being a last day of the limitation. Mr. Charan seeks extension of limitation period on that ground, will he succeed? **(Refer Civil Procedure Code & Limitation Act, Volume – II Separate Book)**
