

JUNE 2015

CIVIL PROCEDURE CODE AND LIMITATION ACT

1. Explain the doctrine of Res-judicata. State its objects and principles.
(Refer Page No.)
2. “Every suit shall include the whole claim in respect of the cause of action”. Comment with illustration. **(Refer Page No.)**
3. Define foreign judgement. When shall it be conclusive and state the presumption relating to foreign judgement. **(Refer Page No.)**
4. What is attachment? Explain the properties which are not liable for attachment and sale in execution of a decree. **(Refer Page No.)**
5. What is interpleader suit? State the conditions that must be satisfied for filing interpleader suit and who cannot file this interpleader suit?
(Refer Page No.)
6. Explain the term reference. State the circumstances on which reference can be made and how does it differ from Review. **(Refer Page No.)**
7. ‘Once the time has begun to run, no subsequent disability or inability can stop it’. Discuss. **(Refer Page No.)**
8. Write short notes on any two of the following:
 - a. Garnishee order. **(Refer Page No.)**
 - b. Summons. **(Refer Page No.)**
 - c. Inherent powers of court. **(Refer Page No.)**
9. Solve any two of the following problems:
 - a. A suit was institutes by the plaintiff firm alleging infringement by the defendant company for using the trade name on their product with the same combination as that of plaintiff firm. A subsequent suit was institutes in a different court by the defendant company stating the same allegation. Advice the plaintiff firm with the step

to be taken in accordance with law. **(Refer Civil Procedure Code & Limitation Act, Volume – II Separate Book)**

- b. Rama filed a suit against Krishna for declaration of ownership on the property stating that he has purchases under a registered sale deed. Subsequently he seeks to amend the plaint claiming that the property was granted to him by the government. Can he succeed? Discuss. **(Refer Civil Procedure Code & Limitation Act, Volume – II Separate Book)**
- c. Mr. Santhosh seeks condonation of delay for not preferring an appeal within the period of limitation because of engrossing in his marriage is it condonable? **(Refer Civil Procedure Code & Limitation Act, Volume – II Separate Book)**

DECEMBER 2015

CIVIL PROCEDURE CODE AND LIMITATION ACT

1. Discuss the rules in C.P.C relating to transfer of suits. **(Refer Page No.)**
2. Briefly describe the different parts of a plaint. **(Refer Page No.)**
3. Explain the different modes of service of summons. **(Refer Page No.)**
4. What are the different modes of executing a decree in a money suit?
(Refer Page No.)
5. What is a commission? What are the circumstances in which a commission may be appointed? **(Refer Page No.)**
6. What is revision? How does it differ from an appeal? **(Refer Page No.)**
7. What is an acknowledgement of debt? What is its effect on limitation?
(Refer Page No.)
8. Write notes on any two of the following:

- a. Bar on jurisdiction. **(Refer Page No.)**
- b. Set off and counter claim. **(Refer Page No.)**
- c. Condonation of delay. **(Refer Page No.)**

9. Answer any two of the following:

(a) Ramesh is a permanent resident of Belagavi and Ashok is a permanent resident of Dharwad. Ramesh has taken a loan from Ashok at Belagavi. He has not repaid the loan till today. Ashok has instituted a suit for the recovery of the said loan, against Ramesh at Dharwad. Ramesh has raised objection as to the jurisdiction. Decide. **(Refer Civil Procedure Code & Limitation Act, Volume – II Separate Book)**

(b) Mahesh had sued Anirudh for defamation. The suit was decided in favour of Mahesh. Anirudh has preferred an appeal against the judgement of trial court. Mahesh died during the pendency of appeal. LRs of Mahesh have applied for being impleaded as respondents. Decide. **(Refer Civil Procedure Code & Limitation Act, Volume – II Separate Book)**

(c) Ketan is a tenant in the house of Sameer for last 30 years. Sameer is now in need of the house for his own occupation. He has filed a petition for eviction against Ketan. Ketan contends that he has become owner by adverse possession. Decide. **(Refer Civil Procedure Code & Limitation Act, Volume – II Separate Book)**
